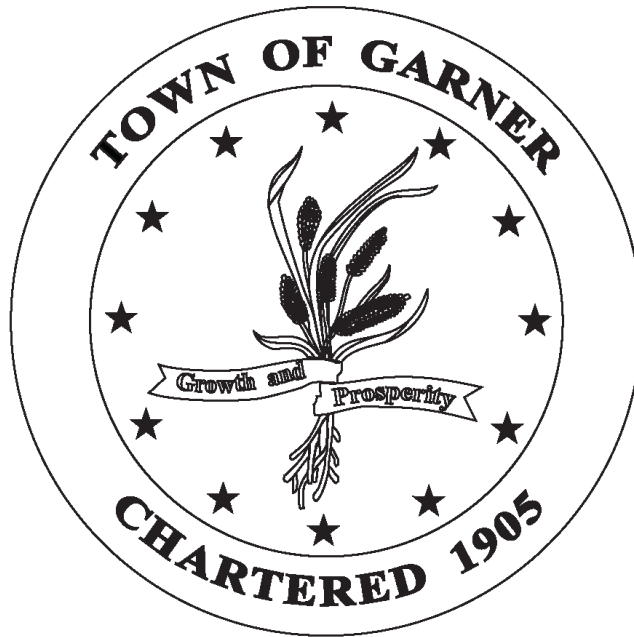


Town of Garner



Town Council Work Session November 30, 2021

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Meeting Agenda
November 30, 2021**

The Council will meet in a Work Session at 6:00 p.m. in the Town Hall Council Chambers located at 900 7th Avenue.

A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

B. ADOPTION OF AGENDA

C. DISCUSSION/REPORTS

1. UDO Re-Write Joint Work Session 5.....Page 3
Presenter: Jeff Triezenberg, Planning Director

Consulting staff from Stewart, Inc. will present a summary of draft changes to parking and site design regulations as well as a recap of zoning districts and review procedures . These topics would become the new Articles 4, 5 and 9; but are currently housed in Articles 3, 4 and 7 of the official Garner UDO.

Action: Receive as information

2. ARP Funding Discussion.....Page 132
Presenter: Rodney Dickerson, Town Manager and John Hodges, Assistant Town Manager

Staff will facilitate a discussion with Council regarding preliminary proposed uses of ARP funding. The Manager's Office Preliminary Recommendation is provided in the attached memo.

Action: Discussion only

3. Compliance with SB300 - Decriminalization of Certain Ordinances.....Page 136
Presenter: Terri Jones, Town Attorney

Session Law 2021-138, Criminal Justice Reform, changes the presumption that all local ordinances may be enforced criminally and prohibits the criminal enforcement of certain local ordinances. The Town Code of Ordinances will need to be amended to comply this new law which will be effective December 1, 2021.

Action: Provide feedback or direction on future criminal enforcement of Town ordinance violations.

D. MANAGER REPORTS

1. December and January Pending Agenda Items
2. 2022 Council Meeting Schedule-Resolution (2021) 2472

E. COUNCIL REPORTS

F. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 30, 2021		
Subject: UDO Re-Write Joint Work Session 5		
Location on Agenda: Discussion/Reports		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Consulting staff from Stewart, Inc. will present a summary of draft changes to parking and site design regulations as well as a recap of zoning districts and review procedures . These topics would become the new Articles 4, 5 and 9; but are currently housed in Articles 3, 4 and 7 of the official Garner UDO.		
Recommended Motion and/or Requested Action: Receive as information.		
Detailed Notes: This is the last of five programmed joint Planning Commission/Town Council work sessions to review draft changes and seek feedback on them as the Town moves to complete a re-write of the Garner UDO that focuses on implementation of the Garner Forward Comprehensive Plan. The first joint session focused on amendments required to implement Chapter 160D. The second joint session focused on the realignment of zoning districts. Since that time, project staff have spent time drafting zoning maps and regulations for all other topics. These draft regulations are largely complete and started to be presented in August and continues today.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn, Town Council Members and
Members of the Planning Commission

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Garner Forward Joint Work Session #5*

DATE: November 30, 2021

INTRODUCTION

In late 2019, the Town of Garner contracted with a planning services consultant, Stewart, to undertake an update of the Town's Unified Development Ordinance (UDO). The project is scoped to last two years and consists of several parts, including an initial update necessitated by recent changes in the state zoning enabling legislation (Chapter 160D) and a Garner Forward update (to implement and update standards based on the recent comprehensive plan update). The Council adopted the state-mandated Chapter 160D revisions on March 16, 2021.

The content of Garner's UDO may be divided into two major divisions: the administrative and procedural component (Articles 1, 2, 3, 9, and 10) which were covered in the first joint work session, and the development standards component (Articles 4, 5, 6, 7, 8, and 11). The second joint work session addressed zoning districts, associated district-wide regulations and permitted uses (including the use table). Since that meeting, project staff have been busy drafting both new zoning maps and revised regulations covering landscaping, stormwater, lighting, parking, signs, subdivision standards, streets, open space and more.

The revisions presented in this packet are intended to keep the UDO project on track to finish the initial drafting this month. More public outreach will continue into the new year with adoption targeted around April of 2022. This final joint work session packet contains draft Garner Forward updates for future Articles 4, 5 and 9 covering parking and site design. Consulting staff will also provide a recap of post-160D proposed changes to zoning districts and review procedures. Both strikethrough and clean versions of the text are provided for your review and consultation. Please be advised that there is still some final cleanup work related to dividing this content into UDO requirements and what is more appropriate for standard construction details maintained by the Engineering Department; however, the heavy lifting has been finished.

4.1. PURPOSE

This Article establishes review procedures for land use and land development proposals within the Town's planning jurisdiction in order to enhance transparency, provide a standard and consistent development review and approval process, and ensure consistency with adopted Town plans, standards, and policies.

4.2. GENERAL

4.2.1. Interpretation

- A. When used throughout this Article, the words “request,” “application,” and “proposal” are equivalent.
- B. References to “permits” throughout this UDO do not necessarily include building permits. A development approval alone does not grant the holder rights to commence construction or development.

4.2.2. Effects on Successors

Permits and development approvals are transferable. So long as there is an active or completed permit, no person shall make use of the land or structure except in accordance with the terms and requirements of the permit.

4.2.3. Permit Choice

Pursuant to G.S. § 160D-108(b), if development regulations change between application submittal and the time of decision or project completion, the applicant may choose whether the Town will evaluate the application based on the previous or current version of the regulations.

4.2.4. Revocation

- A. A permit or development approval described in this Article may be revoked if the holder fails to maintain the property in accordance with the approved plans, the UDO, or other legal requirements.
- B. Revocation of a permit or development approval shall undergo the same process as was followed for the initial approval.

4.2.5. Development Moratoria

Pursuant to G.S. § 160D-107, the Town may adopt a moratorium on development approval(s).

4.2.6. Types of Decisions

Pursuant to G.S. § 160D-102, all applicable definitions and regulations from that chapter apply, in particular the following:

A. Administrative

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in G.S. Chapter 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

B. Legislative

Legislative decisions include the adoption, amendment, or repeal of a regulation. A legislative hearing with public comment is required.

C. Quasi-judicial

Quasi-judicial decisions require evidentiary hearings involving findings of fact regarding a specific application of a development regulation and competent, substantial, and material evidence, and are carried out according to G.S. § 160D-406 and all other specifications herein. Quasi-judicial cases are unique and as such require high-level scrutiny, subjective decision-making, and discretion.

4.2.7. Vested Rights and Expiration

Pursuant to G.S. § 160D-108, a vested right, once established, precludes any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

A. Building Permits

1. As provided in G.S. § 160D-1111, building permits expire six months after issuance, if the permit work has not commenced.
2. Discontinuance of work for a period of twelve months shall render the permit expired.

B. Zoning Compliance Permits

1. Pursuant to G.S. §160D-108(d), zoning compliance permits shall expire within one year from date of issuance if unless work has substantially commenced.
2. For these purposes, “substantially commenced” includes but is not limited to application for and timely pursuit of a building permit, grading permit, or other permit necessary to commence installation of infrastructure or establishment of the intended use.

C. Site Specific Vesting Plans, per G.S. § 160D-108.1

1. The appropriate decision-making body’s approval of a site specific vesting plan establishes a vested right that runs with the land and authorizes the recipient to complete development as authorized by the approved plan or permit.
2. Site specific vesting plans shall remain vested for two years, unless, upon applicant request, the Town Council grants a longer period up to no more than five years total.
3. The right shall terminate at the end of the vesting period if the next requisite permits have not been procured for the project.
4. Deviation from the site-specific vesting plan shall result in forfeiture of the vested right.

Commentary (01/01/2021):
Site specific vesting plans include planned developments, preliminary subdivision plats, site plans, preliminary or general development plans, special use permits, and conditional zoning districts.

5. Pursuant to G.S. §160D-108(f), multi-phase developments shall be vested in their entirety with the regulations and ordinances in place at the time of site plan approval for the initial development phase. The vesting period for multi-phase developments shall be seven years.

4.3. REVIEW AUTHORITY TABLE

The Review Authority Table displays decision types, the participants in the review process, and their respective roles.

Figure 4.3-A Review Authority Table

Process	Type	Review	Final Action	Appeal Process	Public Notice Level (See Public Notice Requirements 4.4.6)	Section
4.5 Subdivision						
Major Subdivision	Admin.	TRC	Planning Director	BOA	N/A	4.5.3
Minor Subdivision/ Final Plat	Admin.	TRC	Planning Director	BOA	N/A	4.5.2 4.5.4
4.6 Map and Text Amendments						
Rezoning (Map Amendment)	Leg.	Planning Commission	Town Council	Superior Court	A, B, C	4.6.1
Conditional Zoning District/ Conditional Rezoning	Leg.	Planning Commission	Town Council	Superior Court	A, B, C	4.6.2
Text Amendment	Leg.	Planning Director/ Planning Commission	Town Council	Superior Court	A, B, C	4.6.3
4.7 Permits						
Zoning Compliance Permit	Admin.	Planning Director	Planning Director	BOA	N/A	4.7.1
Sign Permit	Admin.	Planning Director	Planning Director	BOA	N/A	4.7.2
4.8 Site Plans and Administrative Review						
Site Plan	Admin.	TRC	Planning Director	BOA	N/A	4.8.1
Administrative Modification	Admin.	Planning Director	Planning Director	BOA	N/A	4.8.2
Determination of Vested Right	See Written Interpretation					
Written Interpretation	Admin.	Planning Director	Planning Director	BOA	N/A	4.8.3
4.9 Miscellaneous						
Administrative Appeal	QJ	Planning Director	BOA	Superior Court	A, B	4.9.1

Process	Type	Review	Final Action	Appeal Process	Public Notice Level (See Public Notice Requirements 4.4.6)	Section
Special Use Permit	QJ	TRC	Town Council	Superior Court	A, B, C	4.9.2
Traffic Impact Analysis	Admin.	TRC	Per primary development permit	Per primary development permit	Per primary development permit	4.9.3
Variance	QJ	TRC	BOA	Superior Court	A, B, C	4.9.4
Temporary Use Permit	Admin.	TRC	Planning Director	BOA	N/A	4.9.5
4.10 Environmental						
Flood Mitigation Permit	QJ	Town Engineer (Floodplain Administrator)	BOA (acting as WRB)	Superior Court	Per Variance	4.10.1

Notes:

Admin. = Administrative

Leg. = Legislative

QJ = Quasi-judicial

TRC = Technical Review Committee, which also includes Planning Director

BOA = Board of Adjustment

WRB = Watershed Review Board

4.4. COMMON REVIEW PROCEDURES

4.4.1. Preapplication Conference

- A. The purpose of a preapplication conference is to provide the applicant information on the appropriate application procedure for their desired action, background information, necessary materials, and other relevant information applicable to their proposed request.
- B. Preapplication conferences are encouraged for all development applications, but are mandatory for the following:
 - 1. Rezoning.
 - 2. Conditional zoning.
 - 3. Minor subdivision.
 - 4. Major subdivision.
 - 5. Variance, including Flood Mitigation Permit.
- C. Applicants shall provide a sketch or drawing to aid in the understanding of the proposal. At minimum, the sketch plan should include:
 - 1. Property location or parcel number.
 - 2. Approximate location of existing structures.
 - 3. A description or drawing of the desired action or use and where it will occur.

4.4.2. Application Requirements

- A. Applicant Eligibility
 - 1. The property owner or the property owner's authorized agent may submit the applications described in this Article. Agents must produce notarized documentation of permission from the property owner.
 - 2. Pursuant to G.S. § 160D-703, the Town Council may initiate rezonings through direction to the Planning Director.
- B. Application Completeness
 - 1. The Planning Director will determine the completeness of each application.
 - 2. Incomplete applications will not be accepted. Incomplete applications do not have the sufficient information or materials necessary for review and processing.
 - 3. If an application is found to be incomplete or insufficient, the Planning Director shall notify the applicant and provide a list of deficiencies or missing materials that need correcting.
- C. Content

1. A complete application contains all materials and requirements set forth on each application form as provided by the Planning Director.
 2. Under unique circumstances, the Planning Director may find that additional information is necessary to determine the sufficiency of a submitted application. The Planning Director is authorized to require the applicant to present this information for inclusion in the consideration of the application.
 3. Permits and Approvals from Outside Agencies
 - a. No plan, permit, or Certificate of Occupancy shall be issued without proof of receipt of necessary permits from outside agencies.
- D. Fees as Outlined in the Town of Garner Adopted Fee Schedule
1. No application will be considered complete without rendering of appropriate fees at submittal.
 2. The Town may fully refund application fees for withdrawn applications, provided review of the application has not begun.

Commentary (01/01/2021):
Examples include permits issued by outside agencies such as USACE, CORPUD, etc. for approvals such as wetland mitigation (404/401), CLOMAR, utility tap approval, etc.

E. Deadline

All applications shall be completed and submitted to the Planning Director in accordance with the published calendar on file in the Planning Department.

4.4.3. Withdrawal

- A. An applicant may withdraw a rezoning application at any time, by filing a signed, written statement of withdrawal with the Planning Director.
- B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative or court appointed guardian or duly authorized power of attorney.
- C. Any application that has not provided any requested revisions or materials within 120 days of the request shall be administratively withdrawn by the Planning Director, with no refund of fees. The applicant shall be notified of the pending withdrawal in writing or by email 90 days after requested revision, with the withdrawal effective 120 days after requested revision.

4.4.4. Resubmission

- A. An incomplete application may be resubmitted at the next application intake date according to the standard application submission procedure described herein.

- B. Upon the denial or disapproval of an application (except for a rezoning application), an identical application may not be submitted.
- C. Any resubmittal must meet at least one of the following criteria:
 - 1. New or additional information has become available that may impact the application of review standards.
 - 2. The new application incorporates different standards, e.g., new uses or changes in density.
 - 3. A finding, by the approving body, that the final decision on the application was based on a material mistake of fact.

4.4.5. Neighborhood Meetings

- A. The purpose of a neighborhood meeting is to inform neighbors of the development proposal, receive their comments, and potentially resolve any conflicts or concerns prior to the official hearing.

- 1. Applicability

- At least one neighborhood meeting is required for

- a. Rezoning / Map Amendments
 - b. Conditional Zonings
 - c. Special Use Permits
 - 2. The neighborhood meeting shall be held after the pre-application conference and before the official application submittal.
 - 3. The applicant shall hold the neighborhood meeting within the town's ETJ in an accessible location that is proximate to the site or at a location that is centrally located within the town and at a time in the late afternoon or early evening that is convenient to most people that work daytime jobs.

- B. Notification

See requirements for mailed notice, Section 4.4.6.

- C. The applicant shall submit a meeting summary identifying all issues raised and any resolution or explanation, a list of attendees, a list of addresses where notices were mailed, and a list of returned mail notices no later than ten (10) calendar days prior to the first reading or meeting of Planning Commission or Town Council.

4.4.6. Public Notice Requirements

- A. Published

The Planning Director shall place an advertisement on the Town's official webpage once a week for two successive weeks. The first notice shall be published no less than ten (10) days and no more than 25 days prior to the hearing. The contents of the published notice shall include:

1. The general location (including a map for mailed notices).
2. The parcel number and/or street address.
3. A description of the action requested.
4. Current and proposed zoning districts (rezonings only).
5. The time and location of the anticipated public hearing.
6. Phone number and email of the appropriate applicant's contact.
7. Phone number and email of the appropriate Town contact.
8. A statement that interested parties may appear at the hearing.
9. A statement that substantial changes to the proposed action may occur following the hearing.

B. Posted

The Planning Director shall post a notice of application at a visible location on subject property no less than fourteen (14) days prior to the hearing. The contents of the posted notice shall include the Town's general contact information and that a land use decision is under consideration.

Commentary (1/1/2021):
Note that NC GS §160D-602 requires posting a site 10-25 days before the hearing.

C. Mailed

1. Mailed notice shall be provided to all property owners and tenants within 300 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal.
2. Where the tax records reflect a mailing address for an owner of property to be different than the address of the property owned, then notification shall also be mailed to the address of the property itself so that the tenant may be notified.
3. If a portion of a neighborhood falls within the 300-foot boundary, that entire neighborhood shall be notified.
 - a. For these purposes, a neighborhood refers to the residents of an entire subdivision as identified in Wake County GIS data.
4. For zoning map amendments, properties shall be considered abutting even if separated by a street, railroad, or other transportation corridor or right-of-way. Mailed notices shall contain the same content as published notices outlined subsection 4.4.6.A.
5. Pursuant to G.S. Chapter 160D-602(b), if a mailed notice for a zoning map amendment hearing includes at least fifty individual owners of at least fifty individual properties, the Town may instead elect to publish notice of the hearing as specified. In this case, each advertisement shall be at ½ of a newspaper page in size. Property owners outside of the newspaper's circulation area shall still be notified of the hearing via first class mail.

Commentary (1/1/2021):
When a mailed notice involves properties within an HOA, it is best practice to send a letter directly to the HOA also.

6. If a notice contains errors regarding the time, date, or location of the hearing or the location of the subject property, the notice shall be rendered inadequate. However, if any other minor or clerical defects are present, but time, date, and location of hearing and subject property are correct in the notice, the notice shall remain valid. If questions of validity arise, the decision-making body shall make a formal finding of substantial compliance or lack thereof. If the decision-making body finds there is substantial compliance, it may then begin the proceedings for the case.

4.4.7. Hearings

A. Modification of Application

1. The applicant may agree to application modifications in response to questions or comments by persons appearing at the public hearing or to recommendations by the Town Council, Planning Commission or Board of Adjustment.
2. Unless such modifications are so substantial that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Department.
3. The decision-making body may refer the case back to the recommending body for review, prior to further consideration. The decision-making body shall choose one of the following options:
 - a. Continue the hearing to a new date and time certain within 45 days in accordance with the provisions below.
 - b. Close the hearing and re-publish notice of any future hearing in accordance with this paragraph.

B. Continuation

The decision-making body may continue hearings without further notification so long as the motion to continue the hearing, made in open session, specifies the date and time of the hearing continuation.

C. Evidentiary Hearings

Pursuant to G.S. § 160D-406, evidentiary hearings shall be required as specified in the Review Authority Table.

1. Oaths

The acting chair of the decision-making body and the clerk to the board are authorized to administer oaths to all witnesses in evidentiary hearings.

2. Parties

Pursuant to G.S. § 160D-1402(c), the applicant, local government, and other appropriate parties shall have the right to participate at the hearing. Additional witnesses may present competent evidence pertaining to the case.

3. Evidence

- a. All findings and conclusions shall be based on substantial, competent, and material evidence. All competent evidence must be admissible in a court of law except as provided by G.S. Chapter 160D-1402(j)(3).
- b. Competent evidence does not include the opinions of lay witnesses attesting to property value implications, traffic impacts, or other matters about which only expert testimony would generally be admissible.

4. Meeting Record

Kept pursuant to state public record retention laws.

4.4.8. Written Decision

Within thirty calendar days after a final decision is made by the Town Council, Planning Commission, Board of Adjustment, Planning Director, or other review body under the requirements of this UDO, a copy of the written decision shall be sent to the applicant or appellant.

- A. A copy of the notice shall be filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours.
- B. The written decision shall state the review body's findings, conclusions, and supporting reasons or facts whenever this UDO requires these as a prerequisite to acting.

4.4.9. Extensions

The Planning Director shall grant time extensions to approved and unexpired special use permits and administrative development approvals according to the provisions of this subsection.

- A. To receive an extension, the permit holder must file a written request with the Planning Director. One extension is permitted per parcel per development approval.
- B. Permit time extensions shall be limited to a period not to exceed 24 months from the date of the original permit expiration.

4.4.10. Completing Developments in Phases

- A. Developers shall submit a phasing plan for developments that will be completed in phases. The phasing plan shall include drawings of each

phase and schedule of any associated improvements to be completed during the phase. Any development approval or permit shall be contingent on the drawings and the approved schedule.

- B. Each phase of a proposed development shall include the infrastructure and other required elements of this Ordinance for each phase to stand alone.
- C. The provisions of this Ordinance shall apply to each phase of development as if it stood alone G.S. Chapter 160D.

4.5. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - SUBDIVISIONS

4.5.1. Subdivision in General

A. Applicability

1. Pursuant to G.S. Chapter 160D Article 8, subdivision approval shall be required before the division of land into two or more parcels.
2. In accordance with G.S. Chapter 160D-802, the following types of subdivisions proceed directly to Final Plat (per Section 4.5.4):
 - a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this UDO.
 - b. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - c. The public acquisition of land for water or sewer infrastructure or the widening or opening of streets or public transportation corridors.
 - d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this UDO.
 - e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession, per G.S. Chapter 29.
 - f. The division of a tract into plots or lots used as a cemetery.

Commentary (1/1/2021):
These types of subdivisions were previously referred to as "exempt" subdivisions.

B. No subdivision without plat approval

1. As provided in G.S. § 160D-807, no person may subdivide land except in accordance with all the provisions of this UDO. No subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this Section and recorded in the Wake County Registry. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been approved or recorded in Wake County Registry. Such arrangements shall strictly follow the provisions of G.S. § 160D-807.
2. As provided in G.S. § 160D-807, the Wake County Register of Deeds shall not record a plat of any subdivision within the Town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this UDO.

3. As provided in G.S. § 160D-802, not all divisions of land constitute subdivisions that are subject to all regulations under this UDO. However, to ensure that such divisions are exempt from the requirements of this UDO, all plats creating a division of land shall be presented to the Planning Department before recordation in the Wake County Registry, and the planning staff shall indicate on the face of the plat that the division is exempt from the provisions of this UDO.
 4. All stormwater management provisions must be met prior to the subdivision of land.
 5. It shall be unlawful to offer and cause to be recorded any major or minor subdivision plan, plat, or replat of land within Garner's jurisdiction with the Wake County Register of Deeds unless the same bears the endorsement and approval of the Planning Director or Town Clerk.
- C. No occupancy, use, or sale of lots until requirements fulfilled
1. Where the subdivision process applies, the development or sale of lots prior to approval of a final plat is prohibited.
 2. For development on existing lots, no occupancy or use shall be permitted prior to the approval of at least one of the following permits:
 - a. Site Plan
 - b. Special Use Permit
 - c. Temporary Use Permit
 - d. Certificate of Zoning Compliance
 3. Issuance of a final plat or any of the permits listed above authorizes the holder to commence the approved activity; however, excepting phased developments, structures with temporary certificates of occupancy, and subdivisions with improvement guarantees, no intended use may commence, no building be occupied, nor any lot be sold until all of the UDO requirements have been met.

4.5.2. Minor Subdivision

- A. A minor subdivision is any subdivision that does not involve any of the following:
1. Creation of a total of five or more lots.
 2. Creation of any new public streets.
 3. Extension of the water or sewer system operated by the City of Raleigh.

4. Installation of drainage improvements through one or more lots to serve one or more other lots.
- B. A preapplication conference with CORPUD is required prior to submission of an application to the Town.
- C. After a preapplication conference and sketch plan review and approval by the TRC, the applicant may apply for final plat approval.
- D. See 4.5.4 for approval criteria for minor subdivision final plats.

Commentary (1/1/2021):
Approval of utility tap locations by CORPUD is required prior to final plat review by the Town.

4.5.3. Major Subdivision

- A. All other subdivisions of land not listed in Section 4.5.2 shall be considered major subdivisions.
- B. Review
 1. A major subdivision requires submission and review of a preliminary plat.
 2. The Town shall forward the preliminary plat to the Wake County Health Department, and any other potentially affected agencies including NCDOT and the Wake County Board of Education.
 3. Within 15 days of submittal of the application, the TRC shall review the preliminary plat and application for consistency with the UDO. For preliminary plats that do not meet the standards of this Ordinance, a list of deficiencies shall be provided to the applicant, which may also include a list of potential options for bringing the preliminary plat into compliance.
- C. Upon a determination by the TRC that the preliminary plat meets the standards of this Ordinance, it shall be approved by the Planning Director.
- D. Action following Preliminary Plat Approval.
 1. Following preliminary plat approval, the applicant may proceed to comply with other requirements of this UDO including construction plans, preparation of the final plat, and other approvals and permits.
 2. The preliminary plat approval does not guarantee the approval of the final subdivision plat.

4.5.4. Final Plat

- A. Final plats are required for all subdivision of land in Garner's planning jurisdiction.
- B. The Final Plat shall only constitute the portion of the approved preliminary plat that the subdivider proposes to record and develop at the time of submission. Approval shall be subject to the installation of subdivision improvements described in this UDO.

C. Application

1. The final subdivision plat shall be submitted in accordance with G.S. § 47-30 and with the requirements maintained by the Planning Director.
2. Endorsements Required - See appendix of certificates.
 - a. Certificate of ownership
 - b. Certificate of survey and accuracy
 - c. Certificate of dedication, if applicable
 - d. Certificate of approval by the Planning Director
 - e. Certificate of approval by City of Raleigh Utilities, if applicable
 - f. Wake County Plat Review Officer's certificate
3. All major subdivision final plats located outside the corporate limits of the Town, but within the planning jurisdiction, shall contain the following additional certificates:
 - a. NCDOT Division 5 of Highways District 1 Engineer certificate.
 - b. Wake County Environmental Health certificate of approval of non-municipal water supply and sewage disposal systems.
4. When required by the federal government, all final plats shall contain a certificate for a federally funded project.
5. No final plat that shows lots served by private drives may be recorded unless the final plat contains the following notations:
 - a. "Further subdivision of any lot shown on this plat as served by a private drive may be prohibited by the Town of Garner UDO."

D. Approval

1. After TRC certification that the final plat meets all applicable requirements of this Ordinance, the Planning Director shall approve a final subdivision plat.
2. When sufficient financial security in the amount of 125% of the required, uninstalled improvements is furnished to guarantee the completion of the improvements, the Planning Director shall approve a final subdivision plat prior to the full installation of all improvements.
3. Additional approval criteria for minor subdivision final plats
 - a. The plat complies with the standards of Articles 8 and 9, Subdivision, design/improvements, and any other applicable requirements of this UDO.

- b. The plat is consistent with the approved preliminary plat, if applicable.
 - c. The plat indicates that all subject lots will have frontage on existing, approved streets or such provision will be made.
 - d. New or residual parcels will conform to the requirements of this UDO and other applicable regulations.
 - e. No new streets (not including widenings of existing roads) or road extensions are required or are likely to be required for access to interior property, or they have been provided.
 - f. No drainage or utility easements will be required to serve interior property, or they have been provided.
 - g. No extension of public sewerage or water lines will be required, or they have been provided.
 - h. All necessary right-of-way has been offered for reservation or dedication.
 - i. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property.
- E. Notice of Decision. Written decision as described in Section 4.4.8, Written Decision shall be provided to the applicant and filed in the Planning Department

4.6. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS – MAP AND TEXT AMENDMENTS

4.6.1. Rezoning / Map Amendment

A. Applicability

Any owner of land, their authorized representative, or the Town Council may request that land be rezoned.

B. A rezoning request shall be filed with the Planning Director and shall include, at a minimum:

1. The name, address, and phone number of the applicant.
2. A description of the affected property and the proposed zoning change.

C. Receipt of Application

Upon receipt of a petition for a zoning map amendment of any type, the Town Clerk shall establish a date for a public hearing and schedule and advertise a public hearing.

D. The Planning Director shall prepare a report that reviews the request and its compliance with the Comprehensive Plan and other adopted Town plans. The report shall include an analysis of the reasonableness of the proposed zoning. It shall be transmitted to the Planning Commission, Town Council, and the applicant.

E. Planning Commission

1. After the public hearing, the Council shall refer the case to the Planning Commission for review and recommendation.
2. The Commission shall examine the request and forward a written recommendation to Town Council remarking on consistency with all adopted plans within sixty (60) days. After sixty days have passed, the Town Council can proceed towards a decision without the Commission's report.

F. Approval Criteria

In making recommendations regarding amendments to the official zoning map, the following approval criteria shall be considered:

1. Consistency (or lack thereof) with the Comprehensive Growth Plan and other adopted plans.
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
3. Suitability of the subject property for uses permitted by the current versus the proposed district.
4. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.

5. Availability of sewer, water, transportation infrastructure, stormwater facilities, and other necessary infrastructure generally suitable and adequate for the proposed use.
6. Preservation of key features of the natural environment.

G. Public Hearing

In addition to comments provided in person at the public hearing, any resident or property owner in the Town may submit a written statement regarding the proposal to the Town Clerk at least two business days prior to the proposed vote on such change. If submitted according to the preceding condition, the Town Clerk shall submit said written statement(s) at any time prior to the Town Council vote.

H. Modification of Application

1. An applicant in a zoning matter may reduce the geographic scope or propose a different district or combination thereof from that requested in the application by filing a statement of the same with the Planning Director.
2. If the application is limited by excluding certain enumerated land uses, either in the original application or in any amendment thereto, the application shall be resubmitted as a conditional zoning request.

Commentary (1/1/2021):
Requesting to limit uses must be a condition on a conditional zoning or conditional rezoning application.

I. Time Lapse Between Similar Applications

1. In the event of a withdrawal of an application prior to action by the Town Council on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
2. When the Town Council has voted on a zoning application and the proposed rezoning has either been denied or has failed to be adopted, then the application shall be deemed to have expired.
3. No subsequent application requesting a zoning change for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
4. No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
5. The Town Council, by a $\frac{3}{4}$ -majority vote, may waive the time-lapse requirements of this section if the Council deems it to be in the public interest to do so.

J. Town Council

1. The Town Council may not take final action on a request until it has received the Planning Commission recommendation or sixty (60) days have passed since the map amendment was first heard by the Planning Board.
2. Pursuant to G.S. § 160D-605, the Council shall prepare a consistency statement and describe the reasonableness of the proposal and show that the proposal is in the public interest.

4.6.2. Conditional Zoning

A. Applicability

Conditional zoning shall follow the same review and approval process as Section 4.6.1, with additional standards as described in this subsection. Where conflict occurs, these standards shall apply.

B. Underlying General Zoning District

All conditional zoning districts shall be based on an underlying (base) general use zoning district.

C. Designation and Tracking

Any conditional zoning district shall be designated by the letters “CZ” followed by a unique number assigned chronologically. These designations shall be applied to the official zoning map as in the case of other amendments. Ordinances are on file in the Planning Department.

D. Tiers

There are two tiers of conditional zoning districts.

1. Tier 1

Tier 1 conditional zoning requests identify a base district(s) and any uses in that base district’s permitted uses which are permitted or excluded in the conditional zoning district. Dimensional standards of the base district remain intact and unchanged. Tier 1 conditional zoning requests do not require a master plan. Any uses in the underlying zoning district identified as requiring a special use permit will still require special use permit review if they are to be constructed.

2. Tier 2

Tier 2 conditional zoning requests identify a base district(s), any uses in that base district’s permitted uses which are permitted or excluded in the conditional zoning district, dimensional standards for each use permitted (either by-right or by other criteria such as Special Use Permit), and a master plan. Tier 2 specifications shall also apply to any uses requiring conditional zoning approval as outlined in Article 6, Use Regulations. Any uses in the underlying zoning district

Commentary (01/01/2021):
Conditions may neither circumvent the intent of the established general district nor alleviate the regulations without providing a method of alternative compliance. Conditions may impose stricter regulations.

identified as requiring a special use permit will still require special use permit review if they are to be constructed.

a. Master Plan

Tier 2 conditional zoning requests shall be accompanied by a master plan which shall be reviewed and approved in concert with the conditional zoning request. The master plan shall show the following:

- i. The correct number of external, cross-access, and adjacent property stub-out access points, although the exact location may be modified through subsequent review.
- ii. The uses desired and their general location and intensity or density. Tier 2 conditional zoning requests shall include a table of permitted uses for the proposed district. It shall include all uses listed in the table of permitted uses in Article 6, and whether they are permitted or excluded.
- iii. The appropriate setbacks, dimensional standards, and other regulations for each zoning district, use, or area. Tier 2 conditional zoning requests shall include a table of dimensional standards. This shall be based on the general zoning district and updated to reflect altered dimensional standards. Any other information necessary to ensure that the master plan can meet the standards required by this Ordinance to execute a logical development plan. This may include preliminary description of utility, stormwater, and/or transportation conditions or connections.

Commentary (01/01/2021):
The uses should be of similar intensity and complement each other to avoid creating conflicts or nuisances.

- E. If the Town Council modifies any conditions or imposes new ones, the property owner or authorized agent must provide (or decline) written consent prior to any decision of approval.
- F. Addition of property to a conditional zoning district shall require a separate conditional rezoning. Previous conditional rezonings shall not be considered as precedent setting or entitle future additions to any specific development pattern, uses, or other entitlement.
- G. Entitlement, recordation, or construction of any or all portions of a conditional zoning district master plan shall not constitute any precedent or vesting of rights, design, development standards, uses, or otherwise, on any property that might be proposed for addition to a conditional zoning master plan in the future. The standards of this Ordinance in effect at the time of formal application of the property addition to a conditional zoning district master plan shall prevail.

4.6.3. Text Amendment (Ordinance Amendment)

A. Initiation

Text amendments to this Ordinance may be initiated by any citizen, by the Town Council, or proposed to Council by staff.

B. Process

1. Petition forms are available at Town Hall and shall be filed with the Planning Director. Upon receipt of the form, any supporting materials, and associated review fees, the Planning Director shall review the application and determine if the proposed amendment should be treated as if it were initiated by the Town.
2. The Planning Director shall prepare a written report to be provided to the applicant, the Town Council, and the Planning Commission prior to the legislative hearing.

3. Citizen Comments

In addition to comments provided at the public hearing, any resident or property owner in the Town may submit a written statement regarding a proposed text amendment to the Town Clerk at least two business days prior to the proposed vote on the amendment. The Town Clerk shall submit the written statement(s) to the Town Council at any time prior to the vote.

4. The Town Council may refer the text amendment to the Planning Commission at the end of the hearing.
5. The Planning Commission shall review the proposed amendment and forward a recommendation to the Town Council for consideration. If the Planning Commission is not prepared to issue a recommendation, it may request the Town Council delay or continue final action on the amendment until the Planning Commission is prepared to give a recommendation.
6. The Town Council may not take final action on the proposed amendment until it receives the recommendation from the Planning Commission or until sixty (60) days have passed since Planning Commission first heard the item.

C. Approval Criteria

1. The extent to which the proposed text amendment is consistent with the remainder of the UDO, including, specifically, any purpose and intent statements.
2. The extent to which the proposed text amendment represents a new idea not considered in the existing UDO, or represents a revision necessitated by changing circumstances over time.
3. Whether or not the proposed text amendment corrects an error in the UDO.
4. Whether or not the proposed text amendment revises the UDO to comply with state or federal statutes or case law.

4.7. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - PERMITS

4.7.1. Zoning Compliance Permit

A. Applicability

Zoning compliance permits are required for all activities that do not require special use permits (Section 4.9.2) or site plans (Section 4.8.1).

B. Effect

It shall be unlawful to construct, grade, alter, excavate, or move, any land or building, including accessory structures, or to establish or change of use without a valid Zoning Compliance Permit issued by the Planning Director.

C. Application

1. Submittal. The application for a Zoning Compliance Permit shall be submitted to the Planning Director at the time of building permit application. Where a building permit is not required, the application shall be made prior to initiating any activity described herein.

2. Contents

The application form shall be accompanied by a written statement and scaled plans or plat drawings showing the following detail:

- a. Lot shape(s), location(s), and dimensions.
- b. Building shape(s), size(s), and location(s).
- c. Existing and intended use of lot and structures.
- d. Additional information as requested by the Planning Director, including, parking, landscaping, screening, buffers, signage, flood hazards, and floor areas.

D. Review

1. Approval. If the Planning Director determines that the application conforms to the requirements of this UDO, the Planning Director shall issue the Zoning Compliance Permit.
2. Denial. If the Planning Director determines that the application does not conform to the requirements of this UDO, the Planning Director shall deny the Zoning Compliance Permit and provide written notice to the applicant.

E. Expiration

Failure to begin activities outlined in the Zoning Compliance Permit within one year shall render the permit of no further force and effect.

4.7.2. Sign Permit

- A. It is the purpose of this subsection to permit and regulate signs and their placement in such a way as to support and complement the land use objectives set forth in this UDO and in other Town Council declarations of policy; to avoid endangering the public safety, and not confuse or mislead a driver or obstruct the vision necessary for traffic safety; and to advance the economic stability, preservation and enhancement of property values, and the visual impact and image of the Town.
- B. A sign permit is a type of Zoning Compliance Permit, with additional standards as described herein. Where conflict occurs, these standards shall apply. Where a standard is not referenced or modified, the remainder of this ordinance shall apply.
- C. For standards related to signs and sign permits, see Article 12, Signs.
- D. Applicability
 - 1. Except as otherwise provided in this UDO, no sign may be erected, moved, enlarged, or altered except in accordance with and pursuant to a sign permit.
 - 2. No sign permit shall be issued unless the plans and information submitted demonstrate that the sign will conform to all applicable requirements of this UDO.
- E. Application

A sign permit application shall be submitted in accordance with the requirements maintained by the Planning Department.
- F. The Planning Director shall review each sign permit application and act to approve, approve with conditions, or deny the permit. The Planning Director may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this UDO.
- G. A sign may also require separate building and electrical permits from the Town.
- H. Sign permits expire as a Zoning Compliance Permit would.

4.8. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS – SITE PLANS AND ADMINISTRATIVE REVIEW

4.8.1. Site Plan

A. Applicability

A valid site plan approval is required prior to issuance of a Zoning Compliance Permit or building permit for:

1. Any new nonresidential, mixed use, and residential development, excluding single family detached homes and duplex (aka two-family homes).
2. Any change of use from residential to nonresidential.
3. Any amenity, facility, parking area, developed common area, or accessory area, excluding discrete areas of signage permitted through the sign permit process.

B. Review

Upon certification by the TRC that the site plan meets (or will meet) all applicable standards of this Ordinance and other Town ordinances, the Planning Director shall approve the site plan with or without conditions. Approval with conditions is only permitted to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this UDO. Should the TRC determine that all such requirements and provisions have not been satisfied, the Planning Director shall deny the application.

4.8.2. Administrative Modifications

A. Applicability

An administrative modification may be requested for any valid development approval or site specific vesting plan, including conditional zoning districts and special use permits.

- B. The Planning Director shall make administrative design modifications to approved plans, permits, or development approvals according to the following standards.

- C. Any design modifications not identified as “major” shall be considered minor design modifications.

D. Minor Design Modifications

1. Minor design modifications to approved permits are permissible with the approval of the Planning Director.
2. Cumulative minor modifications that together would result in a major modification or deviation from the original entitlement shall trigger review as a major modification and shall be subject to the appropriate review process.

3. The Planning Director and TRC shall review the modifications for consistency with this UDO and adopted Town plans and specifications and approve or deny the modification.
4. If review of a minor modification requires the application of subjective review criteria or standards, it shall be considered a major design modification.

E. Major Design Modifications

1. Major design modifications require review according to the appropriate review procedure per the Review Authority Table (4.3).
2. Major design modifications include:
 - a. Removal of a new vehicular access point to an existing street, road, or thoroughfare.
 - b. Modification of special performance criteria, design standards, or other conditions or requirements specified in the original entitlement.
 - c. An increase or decrease in the total number of residential dwelling units by ten percent or greater.
 - d. An increase in total floor area by ten percent or greater or a decrease in total floor area by twenty percent or greater.
 - e. Any increase in number of parking spaces of greater than ten percent.
 - f. Any increase greater than twenty percent or decrease of greater than ten percent in open space.
 - g. Any increase greater than ten percent in the amount of public right-of-way or utilities, provided that any change in location or reduction in amount must also be reviewed and approved by TRC else it shall be determined a major modification.

4.8.3. Written Interpretation

A. Applicability

When uncertainty exists and unless otherwise specified, the Planning Director shall be authorized to make all interpretations concerning the provisions of this Ordinance, review of administrative decisions taken in accordance with this Ordinance, including determination of existing vested rights of property in accordance with Section 4.2.7.

B. Application Requirements

An application for a written interpretation shall be submitted in accordance with this Section. Such application shall provide a request of sufficient detail for the rendering of an interpretation.

C. Action

1. The Planning Director shall review and evaluate the request according to the text of this Ordinance, the Zoning Map, all adopted plans, policies, or land use documents, and any other relevant information.
2. Following completion of any technical reviews by staff, the Planning Director shall render an opinion.
3. The interpretation shall be provided to the applicant in writing.

D. Official Record

The Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours. The rendering of an interpretation on a specific piece of land does not necessarily constitute a precedent.

4.9. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - MISCELLANEOUS

4.9.1. Administrative Appeals

A. Applicability

Any person possessing standing under G.S. § 160D-1402(c) may appeal a final order, interpretation, or administrative decision of the Planning Director to the Board of Adjustment.

B. Effect of Appeal

Pursuant G.S. § 160D-405(f), an appeal does not stop action lawfully approved by the Town but stays enforcement of actions presumed in violation of this UDO.

C. Enforcement and Fines

Pursuant G.S. § 160D-405, enforcement action and accrual of fees and fines shall be stayed from the filing of the appeal until the time of decision unless an affidavit is filed certifying that a stay would cause imminent peril to life or property or seriously interfere with enforcement of the development regulation.

D. Process

1. Application

The aggrieved party must file a petition with the Town Clerk within thirty days of the written decision described in Section 4.4.8. Any other party with standing must file a petition with the Town Clerk within thirty days of actual or constructive notice of the disputed decision.

2. Record of Administrative Decision

The Planning Director shall transmit all materials constituting the record of the contested action to the Board of Adjustment, the appellant and/or the owner.

3. Public Notice

Public notice is required in accordance with Section 4.4.6 Public Notice Requirements.

4. Witnesses

The official who made the decision, or his or her successor, shall appear at the hearing as a witness.

5. Decision

The Board of Adjustment may make a motion to reverse, affirm (wholly or partly), or modify the order. A majority shall be required to decide the case. For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting shall

Commentary
(01/01/2021): In general, only an applicant or aggrieved party may bring an appeal.

not be included in the calculation of the requisite majority if there are no qualified alternates available.

6. Notice of Decision

See Section 4.4.8.

7. Appeals

Appeals of decisions of the Board of Adjustment shall be directed to the Superior Court.

4.9.2. Special Use Permit

A. Special use permits, as defined in G.S. § 160D-102(30) and described in G.S. § 160D-705(c), are required for uses which in an unmitigated state may create negative impacts to neighboring properties or uses. This process allows each proposed use to be evaluated by its merits and conditions specific to each site.

B. Applicability

In addition to the other special uses listed in the use table in Article 6, Use Regulations, the following development types have significant city-wide impacts and require special use permits:

1. Any nonresidential or mixed-use development encompassing 250,000 or more square feet of gross floor area.
2. Any single-family residential subdivision of 500 or more lots.
3. Any multifamily residential development of 300 or more units.

C. Staff Review

Upon receipt of the application and determination of completeness, the Planning Director shall create a report for the Town Council.

D. Special Use Review Criteria

Special use applications may be approved by the Town Council if it finds that all the following findings of fact have been met:

1. The proposed use will not endanger the public health or safety.
2. The proposed use will not substantially injure the value of adjoining or abutting property.
3. If completed as proposed, the development will comply with all requirements of this Ordinance.
4. The proposed use is consistent with the Town's adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in

harmony with the intent of the UDO as relates to the general zoning plan).

5. The proposed use is compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
6. Any significant adverse impacts resulting from the use will be mitigated or offset, including impacts on the natural environment.
7. The public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.
8. Adequate assurances of continuing maintenance have been provided.

E. Conditions of Approval

1. Without limiting the foregoing, the permit-issuing authority may attach a condition limiting the permit to a specified duration or may otherwise impose such reasonable conditions as necessary to address the impacts of the proposed developments on:
 - a. Adjoining property.
 - b. The existing natural and man-made features of the site.
 - c. Off-site and on-site traffic flow.
 - d. Public utilities, infrastructure, and services.
 - e. Such other public services or goals of the Comprehensive Growth Plan, adopted plans, or the Transportation Plan that may be negatively impacted by the proposed development.
2. All additional conditions or requirements shall be recorded on the permit and shall be deemed to have been consented to by the applicant unless the decision is properly appealed in accordance with G.S. § 160D-406(k).
3. All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirements of this UDO.
4. A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth above. The applicant must give written consent to any conditions for the permit to be valid.

4.9.3. Traffic Impact Analysis

A. Applicability

1. A Traffic Impact Analysis (TIA) shall be required for projects that are anticipated to generate 100 or more peak hour vehicle trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual.
2. A Traffic Impact Analysis shall be required for projects that are anticipated to generate 1,000 or more average daily trips (ADT), based on the latest edition of the ITE Traffic General Manual.

B. Scope

1. When a traffic impact analysis is required, the Planning Director and the Town Engineer shall determine the type and scope of the study jointly during a meeting with the applicant. The Planning Director may also involve representatives of other agencies or departments. The elements to be determined during the scoping session shall include:

a. Type of Study

A letter report, full traffic impact analysis report, or special report (such as a sight distance survey) may be required.

b. Definition of Impact Area

The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall also be determined.

c. Period of Analysis

The period of analysis shall be for both the morning and afternoon peak hour.

d. Analysis Scenarios

Scenarios for analysis shall include existing conditions, and opening year with and without development, and shall include increments of five years after opening until the expected completion of the project, with or without development.

e. Assumptions

Trip generation and distribution assumptions including trip generation categories, diversion assumptions and distribution assumptions. Assumed rate of growth in background traffic, and developments in the area that have been approved or are under review shall also be included.

f. Duration of Study

The duration of traffic studies (the time period for which they are considered a valid basis for approvals) for large projects,

Commentary
(01/01/2021): The application of these provisions should match the type of development proposed so that excessive study scope requirements are not unreasonably imposed.

particularly Planned Developments, will be evaluated on a case-by-case basis as part of the application review process.

2. Study Elements

a. The following details shall be required as determined in the scoping meeting

i. Existing Conditions Survey

A) Street System Description

The street system shall be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

B) Traffic Volumes

Existing traffic volumes shall be provided for the impact area, including both average annual daily traffic (AADT) and peak hour volumes. AADT may be derived from current counts of the North Carolina Department of Transportation (NCDOT), where available, and peak hour volumes shall be provided from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for peak hour shall be provided for critical intersections.

C) Capacity Analysis

Existing capacity of signalized and unsignalized intersections.

D) Other Details

Other details may be required at the discretion of the Town Engineer or Planning Director depending upon the type and scale of the project. These may include, but are not limited to, queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping distances.

ii. Future without Development

Capacity analysis shall be based on the Highway Capacity Manual or other methodology approved in advance by the Town Engineer.

iii. Future with Development

A) Projections of peak hour traffic generation shall be made using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, unless the Town Engineer determines that locally derived data will provide more accurate

forecasts. Data from similar facilities may be used where the information is not available from ITE.

- B) Special analysis may be required to determine the need for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

iv. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended, along with projected cost estimates. The design of improvements shall be in accordance with the Town of Garner or the North Carolina Department of Transportation (NCDOT), as appropriate. Where a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat, site plan or Planned Development request.

v. Consultants

The Planning Director or the Town Engineer shall require that an independent consultant be hired by the Town to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The Planning Director or Town Engineer are authorized to administer the contract for any such consultant.

- A) The Town shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- B) The applicant shall provide an amount equal to the estimate to the Town, who shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest.
- C) The Town may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

4.9.4. Variance

A. Applicability

1. Where, owing to special conditions, a strict enforcement of the provisions of this UDO would result in unnecessary hardship to the property owner, the Board of Adjustment is authorized to grant variances from standards of this UDO in accordance with the public interest or the spirit of this UDO.
2. Variances proposed within a floodway or regulatory floodplain must also meet the criteria of Flood Mitigation (per Section 4.10.1).

B. Burden of Proof

The applicant seeking the variance shall have the burden of presenting sufficient evidence to warrant Board approval.

C. Process

1. Variance applications shall be submitted to the Planning Director for review and determination of completeness. The Planning Director shall prepare a written report to be provided to the applicant prior the Board of Adjustment meeting.
2. Public notice shall be provided in accordance with Section 4.4.6.
3. The Board of Adjustment shall hold a public hearing to review the matter. Pursuant to G.S. § 160D-705(d), the Board may grant variances which meet the following findings of fact:
 - a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be a basis for granting a variance.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved. Note that a variance shall be granted administratively by the Administrator when

necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

4. Upon Board review and the public hearing, the Board of Adjustment shall make one of the following determinations:

- a. Approval
- b. Approval with Conditions or Modifications

The Board of Adjustment may impose reasonable conditions to ensure compatibility with surrounding property. Such conditions shall be included in the written decision and shall be deemed to have been consented to by the applicant unless the decision is properly appealed in accordance with G.S. §160D-406(k).

- c. Denial

D. Written Decision

The written decision shall be provided to the applicant.

4.9.5. Temporary Use Permit

A. Applicability

Temporary uses operating for up to ninety days within a one-year period shall obtain a temporary use permit from the Planning Director that outlines conditions of operations to protect the public, health, safety, and welfare.

B. Types

Temporary uses shall include short-term or seasonal uses that are not otherwise permanently allowed in the zoning district regulations.

C. Application

Applications shall include a description of the proposed use, the duration, the hours of operation, anticipated attendance, associated structures or signs, written permission from the property owner, and additional information deemed necessary by the Planning Director.

D. Review by Technical Review Committee

1. The application should be submitted at least thirty (30) days prior to the requested start date.
2. The Planning Director shall request additional materials or revisions to the application, approve, approve with conditions, or deny the permit at least ten business days in advance of the requested start date.
3. The Planning Director shall provide written decisions for all denials.

E. Approval Criteria

The Technical Review Committee shall evaluate temporary uses based on the following standards:

1. Land Use Compatibility

The temporary use must be compatible with the purpose and intent of this UDO and the associated zoning district. The temporary use shall not impair the primary use of the same site.

2. Review by Building Official

Any temporary structures shall require building permits or approvals by the Building Official and Fire Code Inspector. If necessary, the applicant must obtain approvals from the State of North Carolina and Wake County Health Department.

3. Hours of Operation and Duration

Hours of operation and duration shall be approved by the Planning Director at the time of permit issuance.

4. Traffic Circulation

The Town Engineer shall determine that the temporary use will not disturb traffic patterns or cause undue congestion.

5. Off-street Parking

Adequate off-street parking must be provided for the use without creating greater than a 25% shortage of parking for permanent uses.

6. Appearance and Nuisances

The temporary use shall be compatible in intensity, appearance, and operation with surrounding land uses. It shall not impair the usefulness, enjoyment, or value of the surrounding properties by introducing nuisances.

7. Signs

The Planning Director shall review and approve all signage prior to issuing the permit.

F. Other Conditions

The applicant must adhere to conditions specified by the Technical Review Committee. These conditions may but are not limited to screening and buffering, site restoration, and clean-up provisions, in addition to any of the criteria described above.

G. Expiration

If the temporary use has not commenced within ninety days of the requested event start date, the permit shall expire.

4.10. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - ENVIRONMENTAL

4.10.1. Flood Mitigation

- A. No variance shall be issued within any designated floodway or regulatory floodplain unless the Board of Adjustment finds the following:
 - 1. The proposed use is not likely to cause any increase in flood levels during the base flood discharge; and
 - 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- B. In evaluating a variance application, the Board of Adjustment shall consider all technical evaluations and all relevant standards specified in other sections of this UDO. Additionally, the Board shall assess:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger of life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The necessity to the facility of waterfront location, where applicable.
 - 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed uses.
 - 7. The compatibility of the proposed use with existing and anticipated development.
 - 8. The relationship of the proposed use to the Comprehensive Growth Plan and floodplain management program for that area.
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and
 - 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Commentary (1/1/2021):
The term “variance” as used in this subsection only applies to variance relief from the stormwater provisions.

5.1. ESTABLISHMENT OF DISTRICTS

For the purpose of implementing the standards of this Unified Development Ordinance (UDO), portions of the Town, as specified on the Town's official zoning map are hereby divided into the following zoning districts:

	Category	Zoning District
Base Districts	Residential	Rural Agricultural (RA)
		Residential 2 (R2)
		Residential 4 (R4)
		Residential 8 (R8)
		Multi-family Residential 1 (MF-1)
		Multi-family Residential 2 (MF-2)
		Manufactured Home Park/Subdivision (RMH)
	Nonresidential and Mixed Use	Neighborhood Commercial (NC)
		Commercial Mixed Use (CMU)
		Traditional Business District (TBD)
		Activity Center (AC)
	Industrial	Light Industrial (I-1)
		Heavy Industrial (I-2)
	Conditional Zoning District (formerly Planned Development or Conditional Use Zoning)	Conditional Zoning District (CZ)
Overlays	Floating Overlay	Manufactured Home Floating Zone (-MH)
	Conservation Overlays	Conservation Buffer Area (CBA)
		Lake Benson Conservation District (LBC)
		Swift Creek Conservation District (SCC)
	Transportation Corridor Overlays	Residential Arterial Overlay (RAO)
		Commercial Highway Overlay (CHO)
		Limited Access Highway Overlay (LAHO)

Commentary (01/01/2021): In the general use single family residential districts, the number represents the density of the district for single family detached dwellings. For instance, R4 is for neighborhoods with a gross density of 4 single family detached dwelling units per acre, which is roughly equivalent to an average lot size of about 8,500 to 9,000 square feet. However, this equivalency does not necessarily hold true for multi-family structures or for the MF districts.

5.1.1. General Use Districts

Also known as base zoning districts, these represent the traditional residential, commercial, and industrial range of districts established above. They set uniform standards for uses in their district and are the governing standards unless overlaid with more restrictive standards as in the case of an overlay district or other restrictions as is the case with a conditional district.

5.1.2. Conditional Zoning Districts

- A. The Town Council may establish by ordinance conditional zoning districts upon petition by the land owner.
- B. In accordance with NCGS §160D-703 and the standards outlined in Article 4, specific conditions applicable to these districts mutually approved by the Town and the applicant may be incorporated into the Conditional Zoning District.
- C. In lieu of setting forth all of the regulations applicable to such district, the ordinance establishing it shall incorporate by reference all of the regulations applicable to a specified general use district or districts, except to the extent that the ordinance sets forth exceptions that are more stringent than those of the referenced general use district, as outlined in Article 3.

Commentary (01/01/2021):
E.g.- the ordinance may provide for greater (but not lesser) setbacks or landscaping buffering standards than those applicable to the referenced general use district and/or may specify that only one or some of the uses permissible in the referenced general use district are permissible.

5.1.3. Floating districts

Floating districts are set forth in the ordinance text but not on the initial official zoning map. A floating district may be employed when the local government recognizes that a particular type of activity is desired for a general area but the specific site has not been located in advance. Property intended to be used for that activity may be rezoned upon application if the owner can meet the conditions in the ordinance.

5.1.4. Overlay districts

Overlay districts are established to define certain sub-areas within which development is subject to restrictions over and above those applicable to the underlying district. Within these overlay districts; any development that occurs must be in compliance not only with the regulations applicable to the underlying district but also with the additional requirements of the overlay district. Overlay zones are not required to be mapped on the official zoning map if the description of such zones in this UDO is sufficient to define their extent and application to specific properties.

5.1.5. Obsolete districts

Obsolete districts have been mapped on the official zoning map of the Town of Garner, but are no longer part of the zoning district hierarchy applied to the Town. These districts may have been retained from the previous version of the land use ordinance and land that is zoned with any of the obsolete district designations will continue to be developable under those use and dimensional regulations applicable to the entitlement of the property.

Ord. No. 3558, § 2, 7-7-09

Commentary (01/01/2021):
These districts were applied to land in Garner prior to the adoption of this version of the UDO and even though they may remain mapped on the official zoning map, they are no longer available for future rezoning requests.

5.2. OFFICIAL ZONING MAP

5.2.1. Establishment

There shall be a map known as the official zoning map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on a durable material or generated in a digital format from which prints or digital copies can be made, shall be dated, and shall be kept in the Town Hall. Both the current and prior zoning maps are maintained and available for public inspection in the Planning Department.

5.2.2. Adoption

The official zoning map is adopted and incorporated herein by reference.

5.2.3. Damage

Should the official zoning map be lost, destroyed, or damaged, it can be redrawn on a durable material or generated in a digital format from which prints can be made, so long as no district boundaries are changed in this process.

5.3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

5.3.1. Interpretations

- A. The Board of Adjustment is authorized to interpret the official zoning map and to pass judgement upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a Written Interpretation decision of the Planning Director, they shall be handled as provided in Article 3, as an Administrative Appeal.
- B. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - 2. Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries; and
 - 3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
- C. Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map.
- D. Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

5.4. MEASUREMENTS AND EXCEPTIONS

5.4.1. Density

A. Defined

Density refers to the number of dwelling units per unit of land area.

B. Calculation

1. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located.
2. When calculating density of developed lots fronting on streets, half of the abutting right of way shall be used in calculations of gross density. This does not apply to railroad rights-of-way.

C. Considerations

1. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met.
2. The maximum density established for a district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity, or dimensional standards.

5.4.2. Lot Area

A. Defined

Lot area refers to the gross horizontal land area within lot lines.

B. Exceptions

Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum dimensional standards except for structure height as otherwise specified.

- #### **C. No conservation buffer or other officially designated buffer area shall be included within the area calculation of any lot.**

5.4.3. Minimum Lot Widths

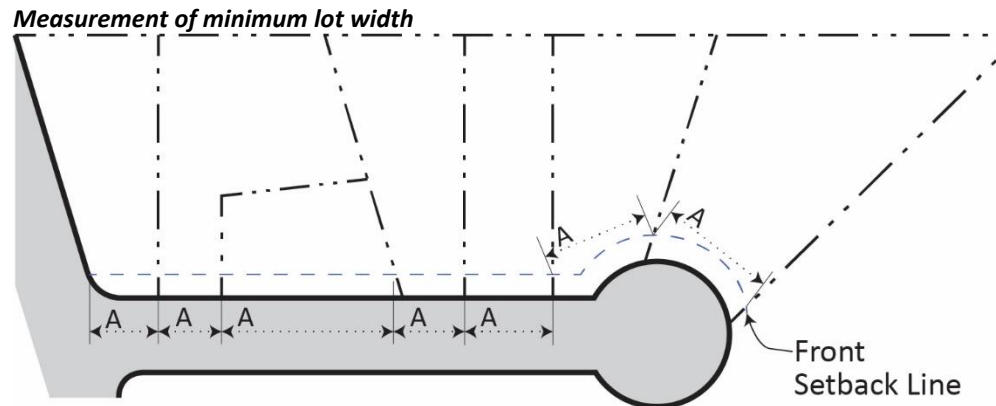
- #### **A. No lot may be created that is so narrow or so irregularly shaped that it would be impracticable to construct on it a building that:**

1. Could be used for purposes permissible in that zoning district
2. Could satisfy setback requirements and minimum lot width requirement for that district

B. Measurement

1. Lot width is calculated as a straight line measurement between opposite-side boundaries at the minimum required setback from the right of way or street. Where the setback curves into the lot, the measurement is at the midpoint of tangency of the curve. The sufficiently distant from the street to meet the setback requirement and permit compliance with the standard.

For instance, a cul-de-sac lot may not be 80 feet wide at the 35 feet front setback, but may be 80 feet wide at a point that is 45 feet into the lot. Lot width would be measured at the 45 foot line and this would become the front setback line as well.



2. The minimum lot width of any rental space in a manufactured home park shall be 50 feet.
3. The minimum lot width in an RMH zoned manufactured home subdivision shall be 70 feet.
4. No lot created after the effective date of this UDO having less than the recommended width shall be entitled to a variance from any building setback requirement.

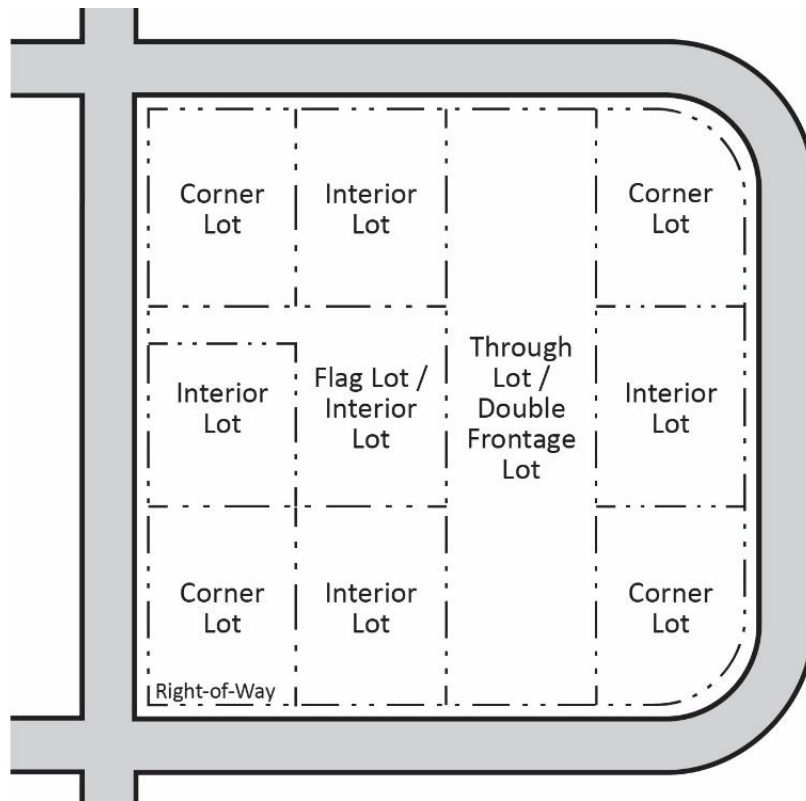
5.4.4. Flag Lots

A. Measurement of setback

The front setback line will be measured from that lot line that runs parallel to the public or private street that provides the border between the flag lot and the lot that borders the street.

- B. The Town discourages the creation of flag lots in subdivisions. A flag lot will only be permitted via variance if such design is necessary to allow the property owner reasonable use of his property when otherwise it would cause an extreme hardship for the owner to comply with the standards of the UDO.

Lot types



- C. Flag lots are prohibited unless one of the following applies:
 - 1. Necessary to eliminate access onto a major thoroughfare
 - 2. Necessary to reasonably use irregularly shaped property
 - 3. Necessary to reasonably use land with significant topography limitations
 - 4. Necessary to reasonably use land with limited sites for septic tank drain fields
 - 5. Necessary to protect significant environmental resources
- D. The minimum lot width for a flag lot is 20 feet at the street.
- E. Subdivisions approved and recorded after the effective date of this ordinance shall not be re-subdivided to create flag lots.
- F. No flag lot will be allowed if it increases the number of access points to a major thoroughfare.

5.4.5. Setbacks

- A. Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

B. Measurement

Setback distances are measured from the right-of-way line or property line (as applicable) to the nearest extension of any part of the building that is a substantial part of the building itself and not mere appendage to it (such as a flagpole, awning, or antenna). For measurement of flag lot setbacks, see 6.2.4, Flag Lots.

C. Features allowed within setbacks

No enclosed usable space of a structure may project into any required yard space, except in the case of permitted rear yard accessory buildings. The following features may be located within a required setback:

1. Trees, shrubbery or other landscape features.
2. Fences and walls.
3. Driveways and parking areas.
4. Sidewalks.
5. Utility lines, wires and associated structures, such as power pole.
6. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback for single family detached and duplex uses.
7. Covered porches may extend ten feet into the front setback for single family detached and duplex uses. Covered porches may extend for a depth of 50% of the required side or corner lot side setback (i.e. if the required setback is 10 feet, a porch may extend 5 feet into the setback.)
8. Openwork fire balconies and fire escapes may extend up to five feet into any required setback.
9. Sills, belt courses, cornices, buttresses, bay windows, eaves, and other architectural features may extend up to two feet into any required setback.
10. Chimneys and flues may extend up to two feet into any required setback.
11. Impervious surface associated with parking pedestrian access, service areas, and driveways.

D. Reduction for public purpose

When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum

setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.

E. Yard exceptions in all zoning districts

The following exceptions shall apply in all zoning districts for projection of open structures into required yards. At no time shall an exception be granted if it results in interference with a required sight distance triangle or substantial danger to the public health or safety.

1. Uncovered porches, canopies, stairways, carports, sundecks and similar structures completely open except for necessary supports, may extend into or over not more than 30 percent of the required rear yard distance or more than 20 percent into a front yard.
2. Open stairways or wheelchair ramps may extend into the front yard setback as required to meet the building code.
3. Projections of the above-described open structures in any required side yard will be permitted only by variance from the Board of Adjustment. Such projections shall not extend more than 40 percent into the required side yard distance, including gutters, except in no case shall any projection be closer than five feet to the side property line.
4. Decorative walls, planting areas and uncovered paved areas, such as stoops, patios, drives not more than three and one-half feet above surrounding grade level, may project up to 20 percent into any required yard. If such areas are constructed at surrounding grade, they may extend into any yard spaces; except that at-grade swimming pool surroundings shall be no closer to any property line than five feet.

F. The Planning Director shall grant an allowance of not more than ten percent from any setback or triangulation distance specified in this Article when a violation of any such requirements has been created through a good faith error of the property owner or a person acting on his behalf, the error cannot be corrected without substantial hardship or expense (more than 25% of the cost of the improvement), and that granting this relief would not substantially interfere with the convenient and enjoyable use of adjacent property or pose any substantial danger to the public health or safety. Prior to any decision to grant relief under this section, the owners of the directly adjoining properties shall be given notice by certified mail that a request for this encroachment has been made to the Planning Department. The notice given shall give the adjoining property owners a minimum of seven days from

the date of receipt to provide any comments regarding the request to the Planning Department. The decision of the director of planning or designee may be appealed to the Board of Adjustment as provided under Article 4.

- G. In nonresidential and mixed use districts, gas pump islands (without pay booths) and all canopies not attached to buildings may be permitted to encroach into the required front and corner side yard setbacks up to 75 percent, so long as a minimum front setback of 25 feet or corner side yard setback of 18 feet remains between the right-of-way line and the closest canopy structure, support face, or pump island; encroachments of greater than that may be permitted only by variance granted by the Board of Adjustment. Approval of the variance may be granted if all required findings can be made. The Board of Adjustment must be able to find that such projections will not interfere with adequate sight distance or negatively impact traffic circulation patterns.

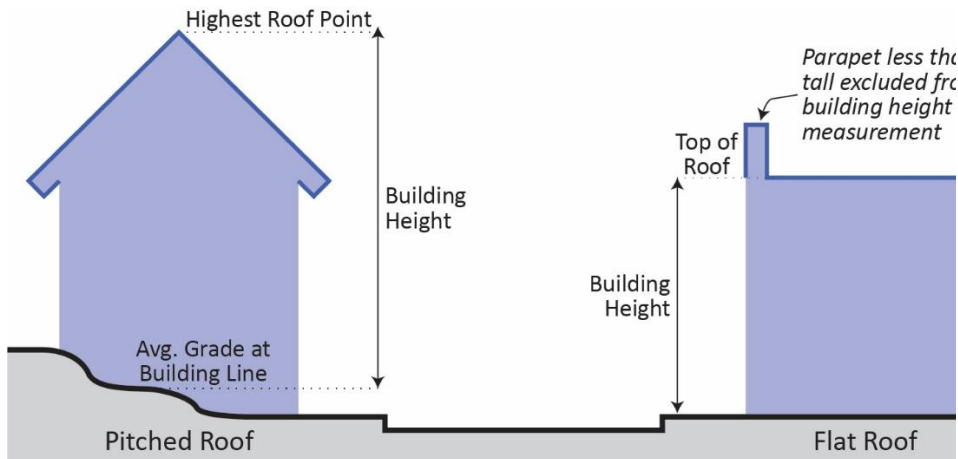
5.4.6. Minimum Building Separation

- A. The minimum building separation requirements are defined by the respective zoning district. When no minimum is specified, structures must be separated by enough distance to allow the possibility of subsequent subdivision of the property in the future.
- B. The minimum building-to-building separation for multifamily developments with three or more units per structure, nonresidential structures, and mixed use structures are defined by the more strict of either the setbacks or the minimum building separation standards of the respective zoning district.

So for instance, if two industrial buildings are to be located on the same lot, each structure must provide the specified setback distance or the total structure separation distance, whichever is more stringent.

5.4.7. Building Height Limitations

- C. Measurement
 - 1. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. This data shall be provided by the owner, builder, or developer.

Building height measurement

Measuring from the front of the structure allows a consistent and intuitive building frontage along the street.

- D. Roofs with slopes greater than 75 percent are regarded as walls.
- E. Exceptions to height limits
 - 1. Unless otherwise expressly stated, the height limitations of this UDO shall not apply to any of the following:
 - a. Electrical power transmission lines;
 - b. Flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas or chimney flues;
 - c. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

(Ord. No. 3396, § 12, 4-3-06; Ord. No. 3532, § 1, 11-4-08)

5.5. RESIDENTIAL DISTRICT PURPOSE STATEMENTS

5.5.1. Rural Agricultural District (RA)

The Rural Agricultural District primarily accommodates agriculture, silviculture, and rural residential (aka large-lot single family residential uses). Other uses typically found in the most rural areas, including utility structures and other compatible uses are also found in the district. Properties zoned RA are typically found in areas outside the Town's corporate limits where public water and sewer services are not readily available.

5.5.2. Residential Districts (R2, R4, R8)

These districts are designed to create and maintain livable residential neighborhoods composed primarily of single-family residences and, in other select locations, such institutional, public, low-intensity nonresidential, house-scale multi-family, and other compatible uses that do not detract from the character of each district as a place for healthful, quiet, and aesthetically pleasing residential living. These districts generally provide a transition between areas of the R-A designation and the more intense multi-family and nonresidential or mixed-use areas and are typically found within Garner's corporate limits.

A. Residential 2 (R2)

The R2 district is established to accommodate low-density single-family homes farther away from nonresidential areas. The district encourages high-quality development and open space protection and is found further away from nonresidential areas. These low-density suburban neighborhoods may or may not include public water and sewer services, although development on public services at this density is not generally considered an efficient use of these services.

B. Residential 4 (R4)

The R4 district accommodates suburban residential development at a moderate density. These neighborhoods primarily consist of detached single family structures or duplexes and require public water and sewer service as well as infrastructure to support walking and outdoor recreation.

C. Residential 8 (R8)

The R8 district is a dense, residential district with urban character and potentially a mix of low-impact nonresidential and mixed-use structures at select locations. House-scale multi-family units are also appropriate and add to the diversity of the neighborhood. These neighborhoods are very walkable and often border or are within a short distance of commercial or mixed-use districts where shopping, retail, and services exist. The R8 district may also

provide a transition from more commercially-active districts to lower density single-family districts.

5.5.3. Multi-family Residential Districts (MF-1, MF-2)

These districts are designed to create and maintain higher density residential neighborhoods composed primarily of multi-family residences and in select location, those service, institutional, commercial, public, and other compatible uses that are so designed, constructed and maintained so that they do not detract from the quality of the neighborhood as a place for healthful, quiet and aesthetically-pleasing residential living. These districts may also provide a transition between the single-family residential districts and more active nonresidential or mixed-use areas. Higher density multi-family residential developments may also require easy access to high capacity transportation facilities. The density found in these districts necessitates a high quality, walkable neighborhood with pedestrian infrastructure and shared or public outdoor recreation, although in some instances commercial and mixed-use areas may provide adequate “third places”.

A. Multi-family 1 (MF1)

The Multi-family 1 district is intended to primarily accommodate neighborhood-scale multi-family dwellings, including duplexes, lower-unit count townhomes, and other housing-scale multi-family products. Multi-family dwellings in this district are low impact and can fit into existing single-family neighborhoods without excessive disruption of the character of the neighborhood. Some nonresidential or mixed-use structures and uses may also occur.

B. Multi-family 2 (MF2)

The Multi-family-2 district is intended to primarily accommodate more intense multi-family uses with larger structures that contain more units. Structures are more urban in character and are located closer to the street than in the MF1 District with parking generally in the rear. These multi-family developments generally are clustered around active areas and allow people to live closer to places where they work and play. Some nonresidential or mixed use structures and uses may also occur.

5.5.4. Manufactured Home Park/Subdivision (RMH)

The RMH manufactured home park/subdivision district is established to provide for the development of manufactured home parks or manufactured home subdivisions in which class A, class B or class C manufactured homes may be located.

5.6. RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

5.6.1. Standards for All Residential Development

A. Double frontage lots

Where residentially-zoned lots or lots with residential structures that are not mixed use have streets on both front and rear sides, they shall provide an additional setback to the street they do not access (i.e. – the rear of the lot). This additional setback shall be on top of any setbacks for the district and shall be a minimum of 20' for local or collector streets, 25' for arterials or thoroughfares, and 40' for limited access highways. Alleys or private streets that function as frontage roads must also meet this setback requirement, but the alley or private street is not qualified as a local or collector street.

B. Rear- and alley-loaded development is only permitted if at least 60% of the block is also rear- or alley-loaded.

C. Sufficient space for formalized on-street parking, including landscaping islands and intersection bulb-outs where appropriate, is required whenever dwellings are alley-loaded.

D. When lots are narrower than 40', or where there are shared lots and the average lot size is narrower than 40', alley-loaded parking is required for townhomes. This is intended to prevent driveways that are so close together that on-street parking is unfeasible.

E. When front-loaded, all single family detached residential, duplexes, townhomes, and house-scale multi-family residential structures in the RA, R2, R4, R8, MF1, or NC districts, shall have no more than 40% of the front yard setback area as impervious surfaces. This does not apply to vertical mixed use structures with upper story residential.

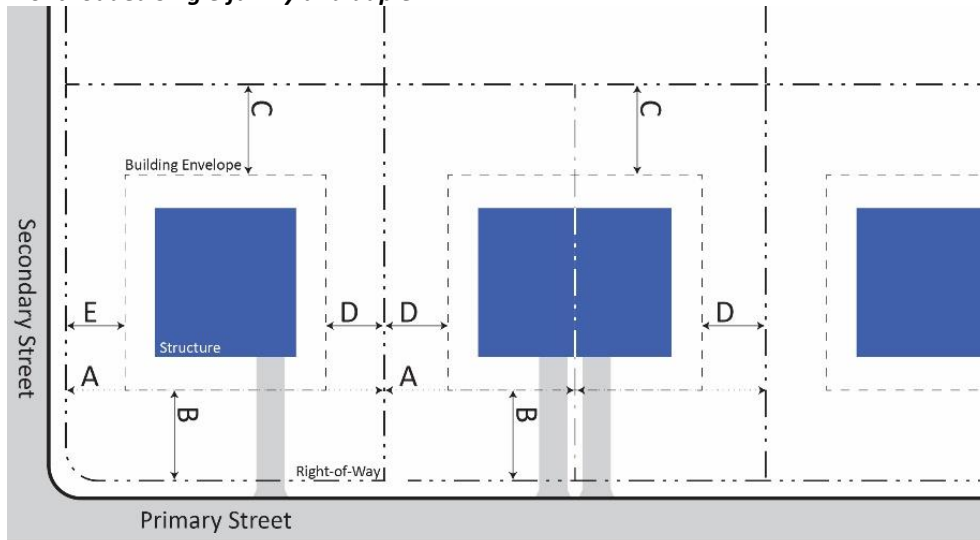
5.6.2. Standards for All Single Family Detached and Duplex Residential Development

A. At the time of construction of the primary structure, the footprint of the primary structure (i.e. impervious surfaces) may not exceed 70% of the building envelope.

B. Where corner lots or structures on corner lots are side-loaded, garages shall provide a minimum of 25' centerline driveway length from the right-of-way of the street they access.

5.6.3. Single Family Detached and Duplex Standards for Front-loaded Lots

Front-loaded single family and duplex



A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

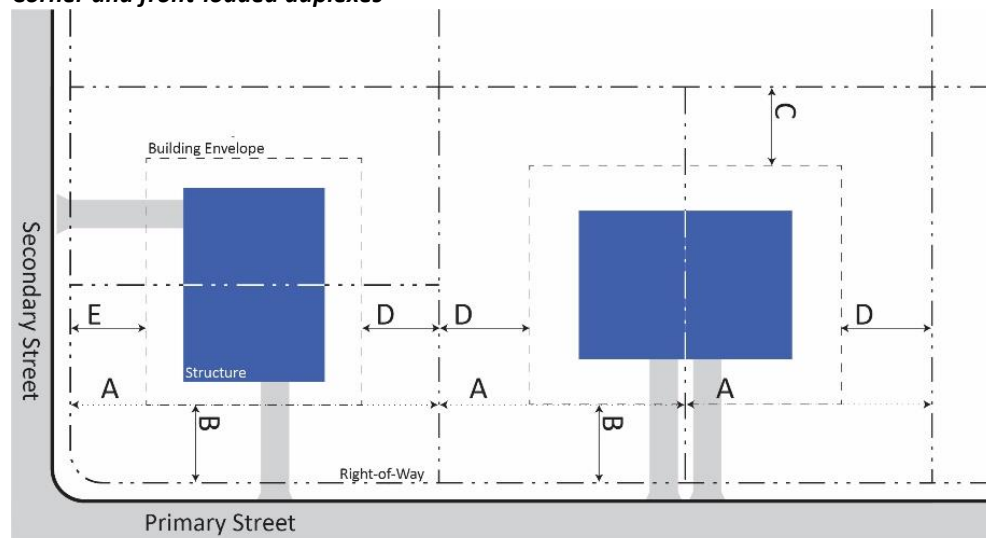
E = Side corner setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dash line = Right-of-way

Dash/dot/dash line = **Potential/optional lot line for duplex/multifamily**

Corner and front-loaded duplexes



A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side corner setback

Dashed line = Potential building envelope, as defined by setbacks

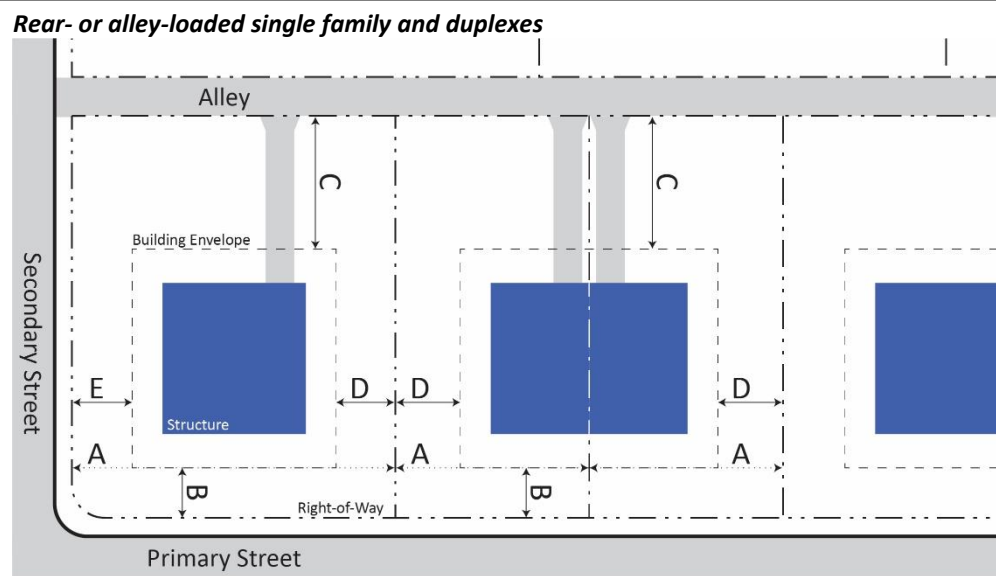
Dash/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Impervious surface associated with parking pedestrian access, service areas, and driveways, for front-loaded single family detached residences and duplexes may not occupy more than 40 percent of the required front yard.
- B. Shared driveways
 - 1. When accessing the same street, duplex driveways shall be located as close as possible to each other.
 - 2. If a shared driveway is used, it shall have a standard driveway width until it crosses the property line and then may flare out or diverge to access each individual dwelling unit.
 - 3. If a shared driveway is not used, they shall be located close together. A planting strip may be located between the driveways provided that it is at least 3' wide but no more than 6' wide.
- C. Duplexes on corner lots are encouraged to have their driveways access separate streets.

Dimensional Standards for Front-loaded Single Family Detached and Duplexes						
	RA	R2	R4	R8	RMH*	MF1
Minimum Lot Width; Single family detached / Duplex (where applicable) (Feet)	100	80 / 100	60 / 80	45 / 65	50 (in subdivision)	45 / 60
Minimum Front Setback (Feet)	35	35	25	25	25	25
Minimum Rear Setback (Feet)	25	25	20	20	25	20
Minimum Side Setback; Single family / Duplex (Feet)	10	10 / 15	10 / 15	6 / 10	10	6 / 10
Minimum Corner Lot Side Setback (Feet)	25	25	20	10	25	10
Maximum Height (Feet)	35	35	35	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	1	2	4	8	10	20
*10,000 square foot minimum required for RMH lots without both public water and sewer. Wake County Health Department may require larger lot sizes.						

5.6.4. Single Family Detached and Duplex Standards for Rear- or Alley-loaded Lots



Dimensional Standards for Rear- and Alley-loaded Single Family Detached and Duplexes

	R4	R8	MF1
Minimum Lot Width Single family detached / Duplex (where applicable) (Feet)	60 / 80	45 / 65	35 / 50
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback (Feet)	20	20	15
Minimum Side Setback; Single family / Duplex (Feet)	6 / 10	6 / 10	6 / 10
Minimum Corner Lot Side Setback (Feet)	20	10	10
Maximum Height (Feet)	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	4	8	20

5.6.5. Standards for All Townhome and Multifamily Development

To the extent that it does not conflict with 160D-702(b), the following standards apply:

- A. Side yards are not required between connected dwelling units.
- B. Lots are required to front on a public street.
- C. Townhome Requirements
 - 1. Minimum Size

There is no minimum size for individual units; density is controlled by district regulations. However, every individual lot shall front on a street.
- D. House-Scaled Townhome and Multifamily Structures
 - 1. Defined

The term “house-scaled” includes townhome structures with 3 or 4 dwelling units and multifamily structures with 3 or 4 dwelling units and up to a maximum 2,500 sqft footprint. These multi-family structures are specifically identified as potentially compatible with and appropriate for integration into primarily single family residential neighborhoods if the following design criteria are met. They are also appropriate as a transition to more dense multi-family housing or commercial districts and may appear along the edges of predominantly single family residential neighborhoods.

2. In order to prevent a wind-tunnel effect, the minimum structure separation is regulated for all townhome structures and for multifamily structures with fewer than 5 dwelling units according to the standards set forth in the respective dimensional standards table. These standards apply whether the structures are on the same or separate lots.
3. Where end units have gabled, parapet, or non-hipped roofs, the side setback or structure separation is increased by 5 feet.

E. Upper story residential

1. Mixed use developments shall adhere to the setback and dimensional standards for nonresidential development in the respective district.
2. Density is the same as for multifamily development with greater than 4 dwelling units per structure, in the respective district.
3. Where upper story residential exists in other districts, residential density shall not be expressly limited, although it will likely be restricted by other dimensional standards within the district.

5.6.6. House-scaled Townhome and Multifamily Standards for Front-loaded Lots/Structures

Front-loaded house-scale townhome or multifamily



A = Lot width

A1 = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side corner setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Any parking areas in the front yard must be sufficiently deep enough that they do not encroach on the right-of-way or pedestrian ways. Garage doors shall be set back at least 25' from the sidewalk to allow for parking and walking between the vehicle and the structure.
- B. Impervious surface associated with parking pedestrian access, service areas, and driveways, for front-loaded house-scaled townhomes or multifamily structures may not occupy more than 70 percent of the required front yard, measured as an average or aggregate for the entire structure.

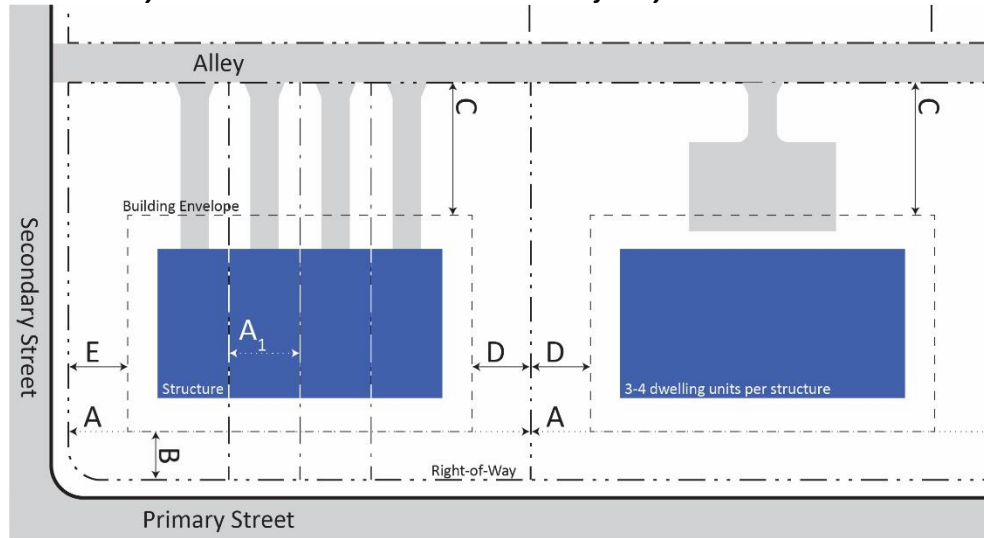
Dimensional Standards for Front-loaded House-scale Townhomes and Multifamily Residential Structures

	R4	R8	MF1, NC, CMU
Minimum Lot Width for the whole structure; 3 units / 4 units (Feet)	110 / 120	110 / 120	110 / 120
Min. width for each dwelling unit (Feet)	16	16	16
Minimum Front Setback (Feet)	25	25	25
Minimum Rear Setback (Feet)	20	20	20
Minimum Side Setback (Feet)	15	15	15
Minimum Corner Lot Side Setback (Feet)	20	15	15
Maximum Height (Feet)	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	5	10	20

Note: Front-loaded House-scale Townhomes are not permitted in the MF2 district

5.6.7. House-Scaled Townhome and Multifamily Standards for Side-, Rear-, or Alley-accessed Lots/Structures

Rear- or alley-loaded house-scale townhome or multifamily



A = Lot width

A1 = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side corner setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

Alley-loaded townhomes shall have parallel, on-street parking in the front. If the townhomes are fronting a central green or common courtyard with no vehicular areas then an equivalent number of parking spaces shall be provided in an accessible, adjacent, off-site parking location.

Dimensional Standards for Alley- or Rear-loaded House-scale Townhomes and Multifamily Residential Structures

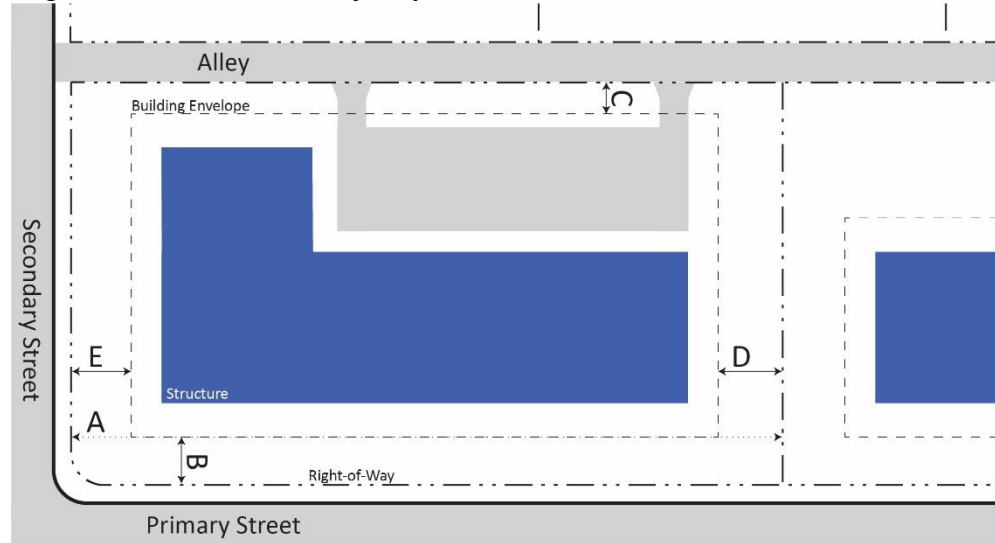
	R4	R8	MF1, NC, CMU	MF2
Minimum Lot Width for the whole structure; 3 units / 4 units (Feet)	110 / 120	90 / 100	75 / 95	55 / 70
Min. width for each dwelling unit (Feet)	16	16	16	16
Minimum Front Setback (Feet)	10	10	10	10

Minimum Rear Setback; from rear lot line and alley; primary structure / attached garage (Feet)	25 / 6	20 / 6	15 / 6	15 / 6
Minimum Side Setback (Feet)	15	15	6	6
Minimum Corner Lot Side Setback (Feet)	20	10	10	6
Maximum Height (Feet)	35	35	35	45
Maximum Gross Density (Dwelling Units per Acre)	5	10	20	50

5.6.8. Townhome and Multifamily Standards for Lots/Structures with more than 5 Dwelling Units per Structure or Others Not Described Elsewhere

The following standards apply to townhome and multi-family developments of greater than four dwelling units per structure or with a footprint of greater than 2,500 square feet, where permitted, or to other multifamily structures not regulated elsewhere in this Article.

Large-scale townhome or multifamily



A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side corner setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Wherever townhome and multifamily structures with more than 4 dwelling units per structure abut single family detached residential or duplex structures, the setback shall be increased by 10 feet.

Dimensional Standards for Townhomes and Multifamily Residential Structures Not Regulated Elsewhere			
	MF-1, NC	CMU	MF-2
Min. Lot size, for the first five dwelling units (sqft)	24,000	24,000	24,000
Min. Lot width, per structure (Feet)	60	60	60
Front setback (Feet)	10	10	10
Rear setback; from rear lot line / alley (Feet)	20 / 10	20 / 10	20 / 10
Side setback (Feet)	10	10	6
Corner lot side setback (Feet)	10	10	6
Maximum Height (Feet)	35	45	60
Maximum gross density (dwelling units per acre)	20	30	50

5.6.9. Nonresidential Development in Residential Districts

- A. Use dimensional standards listed for single family residential development.
- B. Any parking areas shall be screened with a min. 2' high evergreen hedge. A decorative masonry wall of similar height or min. 6' tall privacy fence can also fulfill this requirement if it achieves the same performance standard.
- C. Service areas, loading areas, and mechanical areas shall be screened from abutting residential lots by a min. 6' tall opaque privacy fence.
- D. See Article 6 for specific use standards.

5.7. DEVELOPMENT STANDARDS FOR ALTERNATIVE SINGLE-FAMILY OPTIONS

The following alternative single-family residential options are permitted subject to the following standards.

5.7.1. Zero Lot Line

A. Description

A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Since the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that single-family residential character is maintained.

B. Setbacks

The side building setback may be reduced to zero on one side of the house. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project. The reduced setback may be located anywhere between the lot line and the minimum setback required for the district. The remaining side yard setback shall be equal to two times the side yard setback required for the district.

C. Additional Standards

1. The minimum distance between buildings must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.
2. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

D. Maintenance Easement

An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least five feet of unobstructed space between the furthestmost project of the structure and the edge of the

easement. The easement shall be recorded on the subdivision plat.

E. Homeowner's association

Homeowner's association declaration and by-law documents shall be submitted to the Town of Garner for acceptance.

1. Such homeowner's association documents shall have adequate provisions to insure proper maintenance of all privately-owned areas such as, but not limited to, open space, recreational facilities and areas, parking lot areas and private drives.
2. Applicants are encouraged to submit homeowner's association documents which contain provisions addressing exterior appearance and maintenance standards according to a set of architectural design criteria.
3. The homeowner's association documents shall clearly state that the Town of Garner shall be held harmless from liability responsibility relative to the delivery of Town services on privately- owned property in the townhouse development.

5.7.2. Manufactured Homes

- A. An individual manufactured home may be allowed outside of a - MH floating zone, but the home must be a class A manufactured home, as defined in Section 6.8. A manufactured home located on an individual lot outside the RMH or RA districts shall only be sited following approval of a manufactured home floating zone (-MH) through the rezoning procedures in Article 3.
- B. It shall be occupied as a single-family dwelling only.
- C. It shall have a minimum of two sections that when combined the total is a minimum of 24 feet in width.
- D. It shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the shorter axis.
- E. In RMH districts, every lot or rental space shall have at least 20 feet of frontage on either a public street or a private drive, measured at the street right-of-way line or private drive "reserved area" limit.
- F. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements.

- G. The orientation of the structure must be consistent with that of the predominant number of units in the surrounding neighborhood. In special cases, the short axis (width) may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis.
- H. It shall be installed in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, un-pierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
- I. The exterior shall consist of one or more of the following:
 - 1. Vinyl or metal siding (whose reflectivity does not exceed that of flat white paint);
 - 2. Cedar or other wood siding;
 - 3. Weather resistant press board siding;
 - 4. Stucco siding, brick or stone siding, which shall be comparable in composition, appearance and durability to the exterior siding commonly used in the standard residential construction of the surrounding neighborhood.
- J. The pitch of the roof shall have a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.
- K. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration.
- L. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
- M. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Use of wood stairs without a porch is prohibited at any entrance to a manufactured home.
- N. Minimum square footage of the home shall be compatible with the surrounding neighborhood. The length and size shall be no smaller than the average unit in this neighborhood.

O. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

P. Standards for Manufactured Home Parks or Subdivisions

1. The minimum land area required for a manufactured housing park is three acres.
2. Any lot or tract of land occupied by a manufactured housing park shall have a maximum density of five dwellings per gross acre.
3. Single-family residential development in the RMH district requires a minimum 5,000 square foot lot for sites with both public water and sewer available, and a 10,000 square foot lot where either a well or septic system is used. Wake County Health Department regulations may require larger lots. Minimum lot widths shall be 50 feet in a manufactured home park and 70 feet in a manufactured home subdivision.
4. No manufactured home shall face the narrow end of the manufactured unit to the public street unless the width of the unit is greater than 24 feet.
5. Every service building in a manufactured home park shall be at least 25 feet from the boundary of any other property in any residential zoning district.
6. Accessory structures shall be limited to one per lot or one per manufactured home space.
7. A minimum of two off-street parking spaces shall be provided for each dwelling within a manufactured housing park.
8. No private drives are permitted within a manufactured home subdivision. Public streets must be constructed in accordance with Town of Garner standards.
9. All manufactured housing units shall conform to the State of North Carolina Standards for manufactured housing anchorage, tie downs and blocking.

10. Site Plan

Prior to the development of any new manufactured housing park established after the effective date of this UDO, and prior to the enlargement of any existing manufactured housing park, a site plan conforming to the requirements of this subsection shall be approved by the Planning Director. The

required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

- a. Location and Dimensions of all park boundaries.
 - b. Location of pavement on adjoining street rights-of-way.
 - c. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to the following:
 - d. Improved surfaces for common driveways, off-street parking and recreation areas.
 - e. Buildings for management, maintenance and recreational purposes.
 - f. Any other recreational facilities.
 - g. Any fences or walls.
 - h. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.
11. A subdivision plat in accordance with Section 3.5 is required for all manufactured home subdivisions.
 12. Phasing of a proposed manufactured home park or subdivision may be allowed, provided the proposed phasing is approved by the Town Council and will not create undue hardships for the residents of the development or those vehicles that can reasonably be expected to service the development.

Q. Manufactured Home Class B

1. It shall be occupied as a single-family dwelling only.
2. It shall have a minimum of two sections that when combined the total is a minimum of 24 feet in width.
3. There are no length requirements.
4. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements.
5. The orientation of the structure must be consistent with that of the predominant number of units in the surrounding neighborhood. In special cases the short axis (width) may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis.
6. It shall be installed in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or

masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, un-pierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

7. Exterior standards are to be consistent with the industry's standards for class B.
8. The pitch of the roof shall have a minimum vertical rise of two and one-half feet for each 12 feet of horizontal run.
9. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration.
10. There are no required eave projections.
11. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Use of wood stairs without a porch is prohibited at any entrance to a manufactured home.
12. Minimum square footage of the home shall be compatible with the surrounding neighborhood. The length and size shall be no smaller than the average unit in this neighborhood.
13. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

R. Manufactured Home Class C

1. It shall be occupied as a single-family dwelling only.
2. It shall have a minimum width of 14 feet.
3. There are no length requirements.
4. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements.
5. There is no parallel orientation requirement.
6. All units shall be firmly anchored to the ground as required by the North Carolina Building Code and the Town shall designate

and enforce a uniform type of foundation enclosure (skirting) for all manufactured home parks and subdivisions.

7. Exterior standards are to be approved by the Planning Director.
8. There are no roof pitch requirements.
9. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration.
10. There are no required eave projections.
11. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home.
12. There is no minimum square footage requirement.
13. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

(Ord. No. 3801, § 1, 12-7-15)

5.9. NONRESIDENTIAL AND MIXED-USE DISTRICT PURPOSE STATEMENTS

5.9.1. Neighborhood Commercial (NC)

This district is intended to accommodate low intensity commercial enterprises that provide goods or services primarily to residents of the surrounding neighborhood so that residents have convenient access without necessitating cross-town trips. The uses permitted are of a nature and scale that are compatible with nearby residences. The district provides areas for uses that include offices, professional services, and small-scale retail at key locations and may act as a transition from residential neighborhoods to the more intense Commercial Mixed Use.

5.9.2. Commercial Mixed Use (CMU)

This district is designed to accommodate general commercial, retail, and service activities that serve the whole community. Offices and very light industrial uses may also be appropriate depending on the context. This district provides serves a wide range of users and may draw customers from outside of the town. It must have good automobile access and access to transit is also preferred, although pedestrian connectivity is also important.

5.9.3. Traditional Business District (TBD)

This district is intended to provide a character-rich, concentrated, traditional downtown-style district with active storefronts, retail, and services. Residential dwellings and non-active uses (like professional offices) are encouraged in upper stories, so people can live in the district where they work or play. They are also allowed, either in either vertical mixed-use structures or on the edge of the district, where they provide a transition to a lower intensity use. Ground floor uses should be active and should not include residential, except perhaps as a lobby. This district is very urban and walkable, with structures pulled close to the street. On-street parking and outdoor seating or sales are also common.

5.9.4. Activity Center (AC)

The Activity Center Overlay is designed to encourage dense, walkable, mixed-use development of the type that would support future public transportation operations or allow for intensification or redevelopment of existing nonresidential uses, including commercial, retail, service, and employment uses. Vertical mixing of uses is encouraged, with emphasis on active ground floor uses. This extremely dense and intense district will create a focal point around which other relatively intense districts emanate. High-rise towers and block-scale redevelopment projects are expected.

5.10. NONRESIDENTIAL AND MIXED USE DISTRICT STANDARDS

5.10.1. Nonresidential Development Standards

- A. The following table illustrates the dimensional standards that apply in the Town's commercial, mixed use, and industrial districts.

Standard	NC	TBD	CMU	AC	I-1	I-2
Lot width, Minimum (Feet)	45	None	60	30	100	100
Minimum Front Setback (Feet)	25	3	15	3	50	50
Minimum Rear Setback (Feet)	20	15	25	6	50	50
Minimum Alley Setback (Feet)	6	6	6	6	6	6
Minimum Side Setback (Feet)	10	0	10	6	25	25
Minimum Corner Lot Setback (Feet)	15	3	15	3	35	35
Maximum Height	35	55	45	No limit	50	60
Density Maximum for Upper Story Residential (Dwelling units per acre))	20	30	30	No limit	n/a	n/a

- B. Buildings in industrial districts may exceed the designated maximum height limit, provided the depth of the required front, rear and both side yards shall be increased one foot for each foot or fraction thereof, of building height in excess the standard.
- C. Structures in the CMU district may exceed the designated height limit via a special use permit, provided the depth of the required front, rear and both side yards shall be increased by a minimum of 1/2 foot for each foot or fraction thereof, of building height in excess the standard, or that the structure may be designed with a stepped profile to achieve the same outcome.

5.11. INDUSTRIAL DISTRICT PURPOSE STATEMENTS

The following districts are established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. These districts serve the entire community (and beyond) as employment centers. Achieving compatibility between these uses and less intense uses, especially residential uses, often requires separation via other districts and uses, or very extensive landscaping, screening, and buffering.

5.11.1. Light Industrial District (I-1)

The Light Industrial District is intended to provide for a limited range of low-intensity industrial uses that are not noxious or offensive due to odors, smoke, dust, noise, fumes, or vibration. Operations are restricted to inside a building with outdoor storage prohibited.

5.11.2. Heavy Industrial District (I-2)

The Heavy Industrial District is intended to provide for industrial uses that are, by their very nature, generally more noxious or offensive due to odors, smoke, dust, noise, fumes, or vibration. Operations may be inside or outside of a building.

5.12. CONDITIONAL ZONING DISTRICT PURPOSE STATEMENT

Conditional zoning districts (CZs) are essentially an expedited route to enact a combined rezoning and ordinance text amendment to this UDO for a specific property or group of properties which by their uniqueness or by the uniqueness of the proposed development plan do not easily fit into the existing zoning districts. The options and specifications for conditional zoning districts are specified in Article 3, and each new CZ is essentially a new appendix to this UDO. Development in CZs is made compatible with surrounding uses and zoning districts through the designation of additional use restrictions or heightened, more stringent dimensional and design standards.

(Ord. No. 3558, § 2, 7-7-09)

5.13. FLOATING DISTRICT PURPOSE STATEMENTS

5.13.1. Manufactured Home Floating Zone (-MH)

A. District established

The manufactured home floating zone hereby established is provided for the designation of areas within selected residential zones other than RMH within which class A manufactured homes may be located. When the regulations and standards of this section are met, the suffix -MH is attached to a base residential zone on the Town's official zoning map. Without an -MH designation, a manufactured home cannot be placed in any residential zone except RMH. Such -MH designated districts may not consist of an individual lot or scattered lots, but shall consist of a defined area of not less than two acres, and must conform to the requirements for conventional residential subdivisions as set forth in Article 8, as well as those contained herein.

B. Purpose and Intent

This section is established to provide alternative, affordable housing opportunities for Garner and its planning jurisdiction by permitting the use of manufactured homes in selected single-family residential zoning districts, subject to the requirements set forth herein.

C. Development standards

The development standards applicable to manufactured homes are located in Article 5.

D. Additional requirements

Structures within a district suffixed as a manufactured home district (-MH), must conform to the applicable dimensional, parking and setback requirements of Article 6, and specifically those applicable to their underlying, base zoning district. Developed subdivisions containing other than manufactured homes when rezoned with the -MH suffix may infill with either class A manufactured, stick built, or modular homes. Class B or C manufactured homes units are not permitted.

5.14. CONSERVATION OVERLAYS

5.14.1. Conservation Buffer Areas (CBA)

A. Purpose and intent

The Conservation Buffer Areas are designated for the following purposes:

1. Soil and pollutants carried overland, primarily from roads, construction and development, can be effectively trapped by leaving a relatively undisturbed strip of vegetation parallel and adjacent to the watercourse.
2. Properly managed overland water flow can be directed into this buffer area in a manner that will reduce velocity and cause dispersion of the water.
3. Sediments and associated pollutants carried by the water will settle out as a result of this slowing and dispersion process.
4. These are highly desirable effects of stream and watershed protection in that non-point pollution, erosion and sedimentation, and the resulting property damage and devaluation, are so reduced.

B. Areas designated

1. The Conservation Buffer Areas located within the Town of Garner are not expressly mapped on the official zoning map. These provisions do not create a new zoning district; rather, they overlay whatever zoning is in place.
2. Conservation Buffer Areas are defined as the development on lots abutting or including Lake Benson or any of the streams identified in this section shall be limited by an adjacent buffer area.
3. This section shall apply to the following streams and lakes, including all branches of the identified streams to the limit of the intermittent and perennial streams as defined by the Neuse River Riparian Buffer rule, and if a future extraterritorial expansion includes any stream having a designated 100-year floodplain, such stream shall automatically be included as if listed below:

Stream Name	
Adams Branch	Mahler's Creek
Bagwell Branch	Reedy Branch
Big Branch #1	Reedy Creek Tributary

Big Branch #2, Mill Creek	Swift Creek
Big Branch Tributary	Walnut Creek
Buck Branch	White Oak Creek (see B. below)
Echo Creek	Yates Branch
Hilliard Creek	

4. The Watershed Conservation Buffer Area requirements for nonresidential development shall not apply for property located adjacent to White Oak Creek. In such cases where residential development adjoins White Oak Creek, a Watershed Conservation Buffer Area shall be required according to the provisions of this section.

B. Limitations on Development in Conservation Buffer Areas

1. Except for single family detached residential on existing lots platted prior to 2020, development is prohibited in both the floodplain and the Watershed Conservation Buffer Areas.
2. Development within and adjacent to the Watershed Conservation Buffer Areas shall be subject to the following criteria:
 - a. Buffer width: Along the lakefront or streams within 5,000 feet of the Lake Benson shoreline, the buffer area shall include the 100-year floodplain plus an area whose width is proportional to its distance from Lake Benson, beyond the edge of the floodplain and parallel to the stream, as follows:

Distance from Lake Benson	Buffer
Lakefront and within 1,000 feet of lakefront	100 feet
100 to 2,000 feet from lake	90 feet
2,001 to 3,000 feet from lake	80 feet
3,001 to 4,000 feet from lake	70 feet
4,001 to 5,000 feet from lake	60 feet

- b. Along other identified streams and along streams beyond 5,000 feet from the lakefront, the buffer area shall include the 100-year floodplain plus a 50-foot wide area beyond the edge of the floodplain and parallel to the stream; and

- c. If no floodplain exists on the portion of a stream in question, the buffer shall be considered to be the calculated 100-year storm high water mark based upon a built-out condition upstream.
- 3. Application of a conservation buffer shall not diminish other riparian buffer requirements.
 - a. Buffers from which the vegetation cover has been removed shall be provided with ground cover. Crossings by streets, bridges, utilities or other facilities shall be kept at a minimum and their negative impact minimized.
 - b. Residential accessory buildings, on lots of record prior to March 1984, may encroach into designated conservation buffers provided that:
 - i. Such buildings shall not exceed 25 percent of the area of the principal building served; and
 - ii. Such accessory building shall not be located in any designated floodway.
 - c. Placement of an accessory building in a flood fringe area shall meet all applicable construction requirements; and the area of the lot covered by impervious surfaces, including the accessory building, shall not exceed 25 percent.
 - d. Buffers shall be protected by easements and shall remain, where possible, in private ownership.
- C. Land Disturbance Limits in Conservation Buffer Areas
 - 4. No land-disturbing activities (including agricultural uses) are permitted within the Conservation Buffer Areas, except for the following uses:
 - a. Street and associated facilities;
 - b. Greenways and pedestrian paths; and
 - c. Utility mains, pump stations and drainage facilities which comply with Town of Garner standards.
 - 5. Community service facilities, educational facilities, government facilities, parks and open space uses or public or private water dependent structures (functionally dependent facilities) may encroach into conservation buffer areas provided that:
 - a. The area of encroachment does not exceed ten percent of the total buffer area on the project site and a minimum of 40 feet of the buffer width remains undisturbed;

- b. The area of encroachment is the minimum amount necessary in order to reasonably use the property;
 - c. No direct discharge of stormwater into the buffer from rooftops is allowed;
 - d. No vehicular parking/loading areas or driveways are allowed within the buffer;
 - e. The elevation of all finished floors of all structures located within the buffer shall be a minimum of two feet above the base flood elevation; and
 - f. No encroachment into the floodplain or floodway shall be allowed except for water dependent structures and then only in accordance with the requirements and restrictions contained within Article 11.
6. Within areas of the Lake Benson Conservation District not constituting the Conservation Buffer Areas, site disturbance on existing lots of record as of March 1984, except for agricultural use, including the cutting of trees, shall be permitted only pursuant to a removal plan approved by the Planning Director and the cutting of trees shall not exceed five times the actual impervious surface area planned for each site.
7. Throughout the Lake Benson Conservation District and Conservation Buffer Areas, strict compliance with the Wake County Erosion and Sedimentation Control Ordinance is required. No construction is allowed in classes of soils which have severe erosion potential, or are classified as being otherwise unsuitable for urban uses, under the Urban Suitability Soil Groups in the Planning Guide to the Wake County Soil Survey (1970), unless the developer can provide either of the following:
- a. An independent (sealed) engineering study which documents that the soils to be developed are not in the stated erosion categories, or
 - b. Erosion prevention control measures that satisfy the Wake County Erosion and Sedimentation Control Ordinance.

5.14.2. Lake Benson Conservation District (LBC)

A. Purpose and Intent

The Council finds that Lake Benson, as a water supply for the Raleigh water service area, which includes Garner, is sensitive to and more quickly impacted by pollutants set into the system by development or other pollution sources. Protection of the lake from non-point pollution sources is the intent of the provisions of this section.

B. Lake Benson Conservation District Boundary

That portion of the watershed which was made subject to watershed protection regulations known as the Lake Benson Conservation District effective March 1, 1987, as shown on maps previously adopted and reflecting approximately that area within 2,000 feet of the northern shoreline of Lake Benson, shall constitute the Lake Benson Conservation District for purposes of this UDO. This boundary of this district aligns with the WSW Critical Area surrounding Lake Benson, as defined by the current NCDENR Division of Water Resources map.

C. Exemptions

All lots platted prior to March 1984 are exempt from the requirements of this Lake Benson Conservation District Overlay.

D. Limitations on Use

1. Permitted uses

Within the Lake Benson Conservation District only the following uses are permitted:

- a. Agriculture;
- b. Residential (meaning only the following uses as listed in Article 6, Table of Permitted Uses;
 - i. Single-family residences; other than manufactured home parks or manufactured home subdivisions;
 - ii. Duplex and triplex;
 - iii. Multifamily residences;
 - iv. Townhouses and townhouse developments;
- c. Churches;
- d. Cemeteries;
- e. Public parks including ancillary concessions;
- f. Community centers;

- g. Indoor and outdoor recreation;
- h. Home occupations;
- i. Planned Residential Developments;
- j. Zero-lot-line developments;
- k. Necessary municipally owned and operated utilities; and
- l. Individual residential wastewater holding tanks (sump pumps) and conventional septic tanks, subject to the other provisions.

2. Density

- a. Within the Lake Benson Conservation District, density shall not exceed 2.5 residential units per acre where the development is served by municipal water and sewer.
- b. Within the Lake Benson Conservation District, density shall not exceed one-half unit per acre where there is no municipal water and sewer.

E. Master plan required

A master plan detailing the distribution of units and improvements across the total development, shall be presented as part of application for land use permits. Where possible, developers shall use innovative site planning techniques to keep units away from the lakefront, streams, and other sensitive areas. Such techniques include but are not limited to cluster development patterns, mixtures of zoning categories, strategic location of densities so that larger and less densely developed lots are closer to the lakefront and creative use of greenways and open space.

F. Performance standards

Within the Lake Benson Conservation District, the impervious surface may not exceed six percent of land area per lot, except where runoff as described above is retained by retention ponds or other approved devices constructed pursuant to best management practices in which case it may not exceed, but may be a maximum of 35 percent.

G. Impervious surface limits

- 1. Within the Lake Benson Conservation District, in order to reduce stormwater pollution through natural infiltration on undisturbed vegetated land, the impervious surface area may not exceed six percent regardless of lot size or density, except where the stormwater runoff from a one-inch rainfall event is retained by retention ponds or other approved devices.

2. Impervious surface area within the Lake Benson Conservation District may be a maximum of 35 percent under the high density development option where the stormwater runoff from a one-inch rainfall event is retained by retention ponds or other approved devices.
3. Stormwater retention may be accomplished by paying a fee-in-lieu of pond construction if the proposed development is within the Regional Retention Pond Service District and meets the requirements of the table in Section 7.2.F.1.
4. The calculation of the impervious surface ratio contained in subdivisions or other developments required to apply for major subdivision approval, special use permits, or conditional zoning districts shall include impervious areas from all newly proposed collector and sub-collector streets, parking lots and tennis courts as well as buildings, driveways, patios, decks and other impervious surfaces.
5. The calculation of impervious surface ratios shall not include roads that were publicly maintained prior to March 1984.
6. The calculation of impervious surface ratios may be based on the land area of the lots and any common areas, rights-of-way and easements dedicated pursuant to the development of the tract.
7. Where the project is developed in phases, with separately recorded survey plats, the area to which the calculation is applied shall consist of that area within the recorded plat. Such phases shall be based upon natural or proposed drainage where practicable. The designation of a phase shall have as its objective the principle of not overloading one drainage way with run-off from high impervious surface ratios while under utilizing the capacity of other drainage ways. Approval of the Town Engineer is required for designation of each phase used in this calculation to ensure that the loading of drainage ways is balanced.
8. Front yards. Impervious surface shall occupy no more than 40 percent of the required front yard

H. Standards for stormwater drainage system

Standard 90-degree curb and gutter construction is not allowed in the Lake Benson Conservation District. Streets with properly maintained grass swales or roll type curb and gutter construction may be allowed in the Lake Benson Conservation District as an option by the Town Council if it concludes that regardless of street design used, surface run-off is diverted to permanent retention

ponds constructed in accordance with the requirements of this UDO and the proposed design protects the water quality of Lake Benson.

Ord. No. 3558, § 2, 7-7-09

5.14.3. Lower Swift Creek Conservation District (LSCC)

I. Purpose and intent

The purpose of these regulations is to protect and preserve the water quality of the Lower Swift Creek Watershed below Lake Benson while allowing the orderly development of land in this environmentally sensitive area. It has been determined by federal and state agencies that this watershed area provides significant wildlife, aquatic, or plant life habitats; that possess characteristics unique to the Town of Garner. It is the intent of these regulations to protect the water quality in this watershed by requiring limits on the amount of impervious surface areas permissible for new residential and non-residential development.

J. Lower Swift Creek Conservation District Boundaries

The portion of the Lower Swift Creek Watershed that is subject to these protection standards is located below Lake Benson in the Town of Garner's zoning jurisdiction generally bounded by Garner Road, N.C. 50, New Rand Road, White Oak Road and the southern Garner ETJ boundary. The exact boundaries are shown on the Official Town of Garner Zoning Map which constitute the official boundaries of the Lower Swift Creek Conservation District where these provisions shall apply for purposes of this UDO.

K. Use Regulations

The uses permitted or prohibited in the Lower Swift Creek Conservation District shall be those uses permitted or prohibited in the underlying zoning district that apply to a particular parcel of land.

L. Exempt from regulations

All parcels of land that fall within the boundaries of the Lower Swift Creek Conservation District which are identified on the Town of Garner Official Zoning Map as being exempt properties, shall not be subject to provisions of this overlay district.

M. Existing development, redevelopment, and expansions

Existing development (residential or non-residential) is not subject to the requirements of this section; existing development shall be considered to be any existing impervious surfaces, or for which plan or permit approval has been officially granted; or where a vested right has been established, as of May 31, 2005. Redevelopment or expansion of any existing non-residential development shall be subject to the requirements of this section; however, the impervious surface coverage of the existing development is not required to be included when applying the impervious surface coverage limits of this section.

N. Development standards

The following standards shall apply for new residential and non-residential development in Lower Swift Creek Conservation District.

1. The standards of both the Lower Swift Creek Conservation District and the underlying zoning district shall apply to each parcel. Where the standards of the overlay district and the underlying district differ, the more restrictive standards shall control development in new projects created after effective date of the Lower Swift Creek Conservation District which is May 31, 2005.
2. The maximum impervious surface coverage of the new residential development projects and new non-residential development projects, which are defined as those projects approved or permitted after the above noted effective date of the Lower Swift Creek Conservation District are as follows:
 - a. New single family detached residential subdivision development projects shall be limited to a maximum of 30 percent total impervious surface area.
 - b. New multi-family residential development projects defined to include townhomes, condominiums, apartments, or other attached multi-family housing units shall be limited to a maximum of 50 percent total impervious surface area.
 - c. New non-residential development projects shall be limited to a maximum of 70 percent of total of impervious surface area.

5.15. TRANSPORTATION CORRIDOR OVERLAYS

5.15.1. Residential Arterial Overlay District (RAO)

A. Purpose and Intent

In the interest of the public health, safety, and welfare, the Town Council seeks to maximize vehicular and pedestrian mobility along the Timber Drive and Timber Drive East corridors. The Council establishes the Residential Arterial Overlay to:

1. Preserve the character of residential neighborhoods.
2. Locate quality commercial uses in areas recommended by the Comprehensive Plan.
3. Promote a pleasing physical environment where nature and development exist in harmony.

B. Designation

The RAO shall apply to:

1. The entire length of Timber Drive from U.S. 70 to N.C. 50 for a depth of 250 feet from the right-of-way line on both sides including all of the property that has frontage on Timber Drive from N.C. 50 to U.S. 70. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to any and all other buildings and parking areas.
2. The segment of Timber Drive East from N.C. 50 to White Oak Road including all of the property with frontage on Timber Drive East from N.C. 50 to White Oak Road as defined by the Official Zoning Map. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to any and all other buildings and parking areas.

C. Permissible and Prohibited Uses

Unless otherwise restricted below, all uses allowed by the underlying zoning district are permissible in the RAO, provided all requirements and permits as required by this UDO are satisfied.

1. Restricted uses. The following uses are permissible in the RAO provided they meet special standards listed below and as specified in Article 5. In the case of conflict, the more stringent requirement shall apply.
 - d. Open storage and operations are restricted to only those activities associated with a garden center use operated in conjunction with a home improvement center or a large retail store provided the location of outside storage is

sufficiently screened from public street views with a minimum 25' wide buffer as required for a Class 2 use adjacent to a Class 1 use. The amount of outside storage areas is limited to 25 percent of the gross floor area of principal use served.

- e. Fast food restaurants with drive-in window operations are permitted only when such drive-in window service areas are not visible from street views.
- f. Convenience store or gas sales operations that meet the following design criteria:
 - i. Operations are exclusively between 5:00 a.m. and 11:00 p.m. when the site is adjacent to residential uses or separated by only a right-of-way.
- D. The principal building shall have a pitched roof with shingle roof material.
- E. Gas sales operations, which may include a small kiosk or enclosed structure not exceeding 300 square feet in size that is not designed for walk-in traffic, may be allowed in the RAO, provided that the site does not front directly on Timber Drive or Timber Drive East and the building/canopy is located a minimum of 200 feet from Timber Drive or Timber Drive East.
- F. Automobile service centers that meet the following design criteria:
 - ii. Automobile service centers are permissible on parcels located within the RAO that directly front along Timber Drive or Timber Drive East only.
- G. All service bay(s) associated with uses shall be oriented so as not to directly face Timber Drive or Timber Drive East or adjoining residential use.
 - iii. A year-round, opaque, 100 percent screen to a minimum height of eight feet shall be required where the property directly adjoins a residential use.

2. Prohibited uses

The following uses are prohibited in the RAO:

- a. Hotel and motels
- b. Sales and rental of goods, merchandise and equipment with storage operations and display of goods outside fully enclosed building

- c. Offices, clerical operations, research, and services not primarily related to goods or merchandise where operations are conducted outside a fully enclosed building
- d. Manufacturing, processing, creating, repairing, renovation, painting, cleaning, assembling of goods, merchandise and equipment
- e. Pool halls
- f. Golf driving ranges (not accessory to golf courses), miniature golf courses, skateboard parks, water slides and similar uses
- g. Drive-in movie theaters
- h. Bars, nightclubs, ABC permitted private clubs
- i. Adult cabarets and establishments
- j. Motor vehicle sales or rental or sales and service
- k. Auto service stations
- l. Automobile repair shop
- m. Car wash
- n. Storage and parking
- o. Scrap materials, salvage yards, junkyards, automobile graveyards
- p. Service and enterprises related to animals with outside facilities for keeping animals
- q. Mining or quarrying operations; including on-site sales of products; coal or aggregate sales and/or storage; concrete mixing plant
- r. Reclamation landfill
- s. Towers and antennas greater than 35 feet tall
- t. Open air markets
- u. Bus stations
- v. Taxi base operations
- w. Commercial greenhouse operations
- x. Recyclable material collection centers
- y. Flex spaces
- z. Outdoor entertainment facilities
- aa. Jail/detention facility

bb. Self-storage facilities

cc. Solar farms.

H. Land Disturbing Activities

1. All development plans submitted under this UDO shall show a construction limit line delineating protected buffer areas and any tree save areas intended for the property. Protective orange fencing, surrounding all protective buffer areas plus ten feet and around tree save areas at the drip line, shall be installed prior to construction. Any cutting or clearance within an approved protected buffer or tree save areas shall be subject to a fine of \$5.00 per square yard of area in the protected buffer or tree save area that has been prematurely denuded.
2. No minor clearance of the existing vegetation within an approved, protected buffer area or tree save area to be retained on the property shall be allowed until after construction on the parcel is completed and upon approval by the Planning Department.
3. Logging or timbering activities on properties within the corridor are limited to the interior portions of the lot exclusive of required buffer areas.
4. Land development activities such as, but not limited to, site grading, buildings, parking and vehicular areas, shall be excluded from the perimeter area of lots in order to protect existing trees and vegetation in required buffer areas.
5. Any grading or clearing (including removal of stumps) on land within the overlay district, not part of a development proposal, requires site plan approval by the Town of Garner prior to any such activity on the site. All such activities shall be consistent with the standards of this UDO.

I. Street access

The existing access location standards set forth in this UDO shall govern driveway locations. Deviations recommended by the Town Engineer and the North Carolina Department of Transportation may be allowed.

J. Design standards

The following design standards shall apply to all new development within the RAO:

1. Building Height

The maximum building height for development located in the RAO is 35 feet. For all other locations on the corridor, the applicable building height limits are controlled by the existing requirements of Article 8.

K. Building Setback from Right-of-Way

The building setback shall be 35 feet from the right-of-way line. A build-to line of 20 feet is permitted when no vehicle surface areas are located in front of the building. For all other building yard setbacks the applicable underlying zoning standards shall apply.

L. Vegetation and Landscaping Standards

1. General Street Buffer Requirements

- a. An undisturbed street buffer along Timber Drive and Timber Drive East shall be required. Minor underbrush clearing is permissible only.
- b. The street buffer shall extend 50 feet along corner side streets and 40 feet along all entrances to new development.
- c. The use of native or locally adaptable species is required.
- d. Construction limit lines shall be shown on all site development plans. Approved undisturbed areas shall be protected on the ground with orange fencing and shall be installed prior to the issuance of a building permit. Such fencing shall be maintained during the entire time of construction.

M. Existing healthy vegetation may be incorporated into the landscaping plan on a one-for-one basis provided that all other criteria of this UDO are met.

N. Residential Street Buffer

Residential subdivisions and unsubdivided developments with frontage along the right-of-way of Timber Drive and Timber Drive East shall maintain a 25-foot undisturbed buffer. No fencing shall be allowed within the 25-foot buffer area. Fences shall not be allowed along property frontages with Timber Drive and Timber Drive East unless they are of uniform height and design. Required landscape planting within the residential street buffer shall consist of one street tree (minimum ten-foot tall with a two-inch caliper at installation) for every 40 feet of street frontage, with a combination of vegetation and/or earthen berms to achieve a 100 percent screen to a height of four feet.

3. Nonresidential street buffer.

- a. Undisturbed street buffer. A 20-foot undisturbed street buffer along Timber Drive and Timber Drive East shall be required. Minor underbrush clearing of an undisturbed street buffer is permissible only with pre-approval from the Planning Department. Where existing trees and vegetation are retained that qualify according to the terms of this UDO regarding types, sizes, locations, and are healthy species as determined by the Planning Department, they may be substituted for the landscaping requirements on a one-for-one basis. One street tree shall be provided for every 40 feet of frontage. Such tree shall be a minimum of 12 feet tall with a 2.5-inch caliper at installation. All vehicular surface areas visible from Timber Drive must provide landscape screening that achieves a 100-percent screen of the vehicular surface area to a minimum height of three feet within three years of installation.
- b. Street Buffer for 20-foot Build-to Line Option
Where the build-to line option is utilized and there is no vehicular surface area between the building and the right-of-way of Timber Drive or Timber Drive East, a 20-foot street buffer with only a lawn area and one street tree (minimum 12-feet tall with a 2.5-inch caliper at installation) for every 40 feet of frontage is permissible. Under this option, vehicular surface areas shall be located in the rear of the building.

(Ord. No. 3487, §§ 1--3, 10-1-07; Ord. No. 3529, § 1, 10-6-08; Ord. No. 3558, § 2, 7-7-09; Ord. No. 3780, § 1, 7-7-15)

5.15.2. Commercial Highway Overlay District (CHO)

O. Purpose and Intent

In the interest of the public health, safety, and welfare, the Town Council seeks to improve conditions along limited access highways. The Council establishes the Commercial Highway Overlay District (CHO) to

2. Provide for functional, efficient transportation corridor.
3. Expand economic opportunity.
4. Protect community character.
5. Preserve and promote the community's appearance and quality.

P. Location

The CHO shall apply to

1. The entire length of U.S. 70 and U.S. 401 located within Garner's zoning jurisdiction. The overlay district shall be designated on each side of the thoroughfare to a depth of 450 feet measured from the applicable right-of-way line. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to any and all buildings and parking areas.
2. Those properties fronting on or within 50' of Garner Road, within the Town's planning jurisdiction (generally that segment of Garner Road located from Northview Street east to the limits of the Town's jurisdiction near the intersection of Garner Road and Auburn-Knightdale Road) as illustrated on the Official Zoning Map. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to any and all buildings and parking areas.

Q. Prohibited and restricted uses

Unless otherwise prohibited or restricted below, all uses allowed by the underlying zoning district are permissible in the CHO, provided all requirements and permits as required by this UDO are satisfied.

1. For new development; a maximum of 50 percent of the total property frontage along U.S. 70/401 may be devoted to outside display or storage of goods when vehicular parking areas (excludes vehicular loading/service areas) are located in the street yard area. A maximum of 66 percent of the total property frontage may be devoted to outside display or storage areas when vehicular parking/service areas are located inside or rear yards.
2. The following uses are prohibited in the CHO.
 - c. Drive-in movie theaters
 - d. Adult cabarets and establishments
 - e. Outside storage of goods not related to sale or use on premises
 - f. Scrap materials, salvage yards, junkyards automobile graveyards
 - g. Mining or quarrying operations including on-site sales of products; coal or aggregate sale and or storage; concrete mixing plants
 - h. Reclamation landfills
 - i. Commercial greenhouse operations

- j. Recyclable material collection centers
- k. Solar farms

3. Prohibited Uses Adjacent to Existing Residential Uses

The uses listed are prohibited when directly adjacent to, or within 150 feet of residential uses. This restriction applies to

- a. All of U.S. 401 within the overlay district
- b. The portion of U.S. 70 from New Rand Road west to the Town limits at the intersection of U.S. 70 and Mechanical Boulevard in the overlay district
- c. The segment of Garner Road located generally from Northview Street east to the limits of the Town's jurisdiction near the intersection of Garner Road and Auburn-Knightdale Road.
 - i. Hotel/motels
 - ii. Pool halls/bowling alleys
 - iii. Bars/night clubs/ABC-permitted private clubs

R. Land disturbing activities

1. All development plans submitted under this UDO shall show a construction limit line delineating protected buffer area and any tree save areas intended for the property. Protective orange fencing, surrounding all protective buffer areas plus ten feet, and around tree save areas at the drip line, shall be installed prior to building and/or grading permit issuance. Any cutting or clearance within an approved protected buffer or tree save area shall be subject to a fine of \$5.00 per square yard of area in the protected buffer or tree save area that has been prematurely denuded and must be replaced with equivalent vegetation as determined by the Town of Garner.
2. No minor clearing of the existing understory vegetation within an approved protected buffer area or tree save area to be retained on the property shall not be allowed until after construction on the parcel is completed and upon approval by the Planning Department.
3. Logging or timbering activities on properties within the corridor are strongly encouraged to be limited to the interior portions of the lot exclusive of required buffer areas.
4. Land development activities such as, but not limited to, site grading, buildings, parking and vehicular use areas, shall be excluded from the perimeter area of lots in order to protect existing trees and vegetation in required buffer areas.

5. Any grading or clearing (including removal of stumps) on land within the overlay district, not part of a development proposal, requires site plan approval by the Town of Garner prior to any such activity on the site. All such activities shall be consistent with the standards of this UDO.

A. Access

The existing access location standards under Article 8 of this UDO shall govern driveway locations on U.S. 70 and U.S. 401.

Deviations from these access location spacing standards may be approved by Variance if the BOA concludes, in addition to other standards of a Variance, that based upon a traffic impact study submitted by a professional traffic engineer, the requested deviations do not pose any traffic safety impacts to the public and that such deviations have been recommended by the Town Engineer and/or the North Carolina Department of Transportation, as appropriate.

B. Design Standards

1. Building Height

- a. The maximum building height for all buildings is 70 feet, unless otherwise specified below.
- b. When a nonresidential use or mixed use structure directly adjoins an existing residential use, the maximum building height is 24 unless an additional setback distance of one foot is provided for every additional foot of building height over 24 feet measured from the property line adjoining the existing residential use. This requirement does not apply to the property within the overlay district located east of New Rand Road along U.S. 70.

C. General Buffer Requirement

In addition to complying with all the general landscape standards in the Garner UDO, new development must meet the standards listed below.

1. The buffer shall extend along the entire CHO corridor(s), and 50 feet along corner side streets and 40 feet along all entrances to new development.
2. The use of native or locally adaptable species is required.
3. Construction limit lines shall be shown on all site development plans. Approved undisturbed buffer areas shall be protected on the ground with orange fencing and shall be installed prior to the issuance of a building and/or grading permit. Such

fencing shall be maintained during the entire time of construction.

4. Existing vegetation to meet the planting requirements for required buffer areas may be utilized on a one-for-one basis, provided all other criteria of this UDO are met.
5. Buffer Design Standards
 - a. A seven and one-half-foot wide thoroughfare buffer shall be required on property lines along Garner Road, U.S. 70, or U.S. 401 for all development. One street tree shall be provided for every 40 feet of property frontage along Garner Road, U.S. 70, or U.S. 401. Such tree shall be a minimum of ten feet tall with a two-inch caliper at installation. All vehicular parking areas visible from Garner Road, U.S. 70, or U.S. 401 must provide additional landscape screening to achieve a 100 percent screen of the vehicular surface area to a minimum height of two and one-half feet within three years after installation and planted a minimum of every five feet on center at installation.

D. Additional Screening, Buffering and Landscaping Requirements in Street Yards for high intensity uses (New Development Only)

- b. The objective of this requirement is to provide denser screening, landscaping or a combination thereof where more intense uses of land occur between the highway and the principal improvements on properties which contain high intensity uses. High intensity uses include outdoor operations (including but not limited to loading or assembly areas), operation utility service areas, and similar uses. All such high intensity uses not screened by an intervening building shall be screened 100 percent from public street views by a year-round continuous screen of evergreen plant material, fence, and/or berm that is a minimum of six feet in height.
2. Screening and landscape buffers adjoining residential uses.
 - a. The nonresidential uses listed below shall be required to provide a 40-foot wide undisturbed buffer area with year-round, opaque screening to a minimum height of eight feet when directly adjacent to residential uses. Required screening may be achieved by using evergreen vegetation, earthen berms, solid fences, or a combination thereof.
 - i. Golf driving range;
 - ii. Veterinarian/kennel with outside operations;

- iii. Auto service/auto repair; or
- iv. Any other permissible use with outdoor display/storage that directly adjoins existing residential property.

E. Parking Lot Landscape Planting for Existing Uses

All existing nonresidential uses of property with direct frontage on Garner Road, U.S. 70, or U.S. 401 shall comply with the following requirements within three years from the date the overlay district is originally adopted.

1. All affected properties shall comply with the street tree requirements of the overlay district and screen all outside display/storage areas or vehicular surface areas directly fronting Garner Road, U.S. 70, and U.S. 401 to a minimum height of two and one-half feet at installation and planted a minimum of five feet on center at installation.
2. Each property owner or designee shall be responsible for obtaining landscape plan approval from the Planning Department which complies with these standards and install the planting material prior to the three-year deadline.
3. In cases where the existing property does not have sufficient land area available to accommodate the required landscaping on site without severely impacting business operations, the BOA may grant a Variance from these standards provided that, in addition to the standards for a Variance, the following is accomplished.
 - a. An appropriate combination of street trees and shrubs is provided in locations that effectively improve the appearance of the property and special highway corridor (the use of ROW area is permissible with an NCDOT encroachment agreement; maintenance by property owner shall be required).
 - b. A maximum deviation of up to 50 percent of required landscaping may be authorized if there is not sufficient space available on private property and/or public right-of-way areas (merely having to relocate storage areas when sufficient space elsewhere on site is available does not qualify for this type of relief).

(Ord. No. 3558, § 2, 7-7-09; Ord. 3714, § 2, 10-22-13; Ord. No. 3780, § 2, 7-7-15)

5.15.3. Limited Access Highway Overlay District (LAHO)

A. Purpose and Intent

The Town Council finds that the general welfare will be served by orderly development along existing and future interstate roads. The LAHO will accomplish the following objectives:

1. Preserve natural scenic beauty and aesthetic character.
2. Promote design quality.
3. Enhance trade, tourism, capital investment, and the general welfare along the thoroughfare.
4. Preserve undisturbed natural or native vegetation between the interstate(s) and current and future adjacent uses.

B. Location

The district is located on either side of I-40 within the Garner zoning jurisdiction. The district shall also apply to all future interstate development including the future I-540. The district shall extend from the right-of-way of the highway, on either side, and measured from the outside right-of-way line of the roadway at its farthest point, including access ramps and interchanges, a distance of 1,250 feet, as shown on the Official Zoning Map. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to any and all other buildings and parking areas.

C. Definitions

For purposes of this section, interstate includes associated interchanges and ramps, and includes the right-of-way of those same areas.

D. Restricted Uses

1. The following uses are permitted only if site plans are approved which assure that these uses will have no visible outdoor storage or operations adjacent to the highway:
 - a. Truck service centers (truck stops)
 - b. Car and truck dealerships
 - c. Uses with storage for retail such as lumber yards, heavy equipment dealers, and similar uses
2. Such site plans shall indicate that all outdoor storage and operation will be located in the yard space farthest away from the highway and on the far side of the principal buildings.

3. Outdoor display (as differentiated from outdoor storage) shall consist of only a sampling of wares sufficient to convey what is sold and is permitted in industrial zones only on a limited basis (max. 25% of square footage of the primary structure) in accordance with the approved site plan.

E. Prohibited Uses

The following uses are prohibited:

1. Truck terminals
2. Mobile home parks
3. Subdivisions
4. Mobile home sales lots
5. Scrap material salvage yards, junkyards, automobile graveyards
6. Sanitary (reclamation) landfill
7. Body shops
8. Storage of radioactive or otherwise hazardous wastes
9. Outside kennels
10. Drive-in theaters
11. Golf driving ranges
12. Water slides
13. Self-serve car washes
14. Solar farms

F. Lot Dimensional Requirements

All dimensional requirements, including minimum lot area and minimum lot width requirements, are established in the underlying zones, but may be enlarged based on the enhanced setback requirements herein.

G. Maximum Building Height

No building shall exceed 150 feet above grade; other building height restrictions are governed by the setback from the right-of-way as set forth below.

H. Minimum Building Setback Requirements

The required setback for yards not abutting the right-of-way shall be as set forth in the underlying zone. The minimum building setbacks measured from the scenic corridor right-of-way, including access ramps and interchanges, shall be as follows:

1. For buildings up to 35 feet above grade, there shall be a minimum setback of 50 feet from the right-of-way.
2. For buildings extending up to 60 feet above grade, there shall be a minimum setback of 100 feet.
3. For buildings exceeding 60 feet above grade, there shall be an additional setback, measured beyond the initial 100-foot setback, consisting of two feet for each additional one foot in height up to the maximum height of 150 feet.

I. Buffering and Screening

1. Yards Not Adjacent to the Right-of-Way

Those portions of front, rear, side or corner side yards that are not adjacent to the 50-foot (interstate) buffer and are not devoted to the uses, buildings and structures that are permitted within this section shall provide screening and buffering consistent with this UDO while emphasizing their natural wooded state, and where required shall provide additional landscaping, provided however that a minimum of 50 feet of natural transitional buffer area or its planted equivalent shall be preserved on corner side lot lines within 200 feet from the intersection of the side road and the interstate. However this subsection shall not apply to single-family residential uses.

2. Yards Abutting the Right-of-Way

a. Development Options within the 50-foot Buffer

- i. The 50-foot buffer adjacent to the interstate right-of-way shall be preserved or constructed in accordance with the following development options:

(1). A natural screen or its newly planted equivalent providing the percentage of visual screening required by this section, established and maintained by the owner. This subsection shall not apply to agricultural uses where the 50 feet adjacent to the road has been cleared prior to December 7, 1987.

(2). A natural water body or one specifically designed as a naturally-appearing landscape feature adjacent as part of the site plan.

- J. Other improvements which themselves provide no visual obstruction, such as access roads, which meet the standards of this section and for which the Board of Adjustment grants a variance if the Board finds the proposed use will not result in a

deviation from the letter of this section to any greater extent than is necessary to allow for reasonable development of the tract, provided that the site plan presented for the permit shall contain a condition that the developer install and maintain compensatory landscaping, screening or a combination thereof to meet the percentage of visual screening otherwise required in the 50-foot buffer area.

K. High Intensity Uses

For purposes of this section, high intensity uses include outdoor operation (loading, service, or assembly areas), outdoor storage, and operation utility service areas, and similar uses. All such high intensity uses not screened by an intervening building shall be completely screened (100 percent, year-round, visual obstruction) from view from public right-of-way except for necessary access in the following manner:

- ii. A continuous, year-round screen of evergreen plant material and/or berm that reaches at least ten feet high within three years is required. This screen may be placed on either side of a public access road.
- iii. Beyond the initial three year height requirement, all required trees newly planted in the buffer must have an expected mature height of at least 35 feet or greater, unless subject to an overhead power line in which case the minimum mature height may be 12'..
- iv. Alternative screening for utility service areas may be accomplished by locally adapted planting (evergreen or deciduous) which are a minimum of 18 inches tall when planted and are expected to reach height and width equal to or greater than the utility service structures which are required to be screened (up to a maximum required height of 12'). Screening for utility service areas in the right-of-way are to be installed by the utility company or person who installed the service; in all other instances, the property owner shall install the plantings.

L. Land Disturbing Activities

- 1. Unless qualifying under development options set forth above, no clearing of vegetation shall be allowed for any purpose, including agriculture and timber harvesting, within the 50-foot buffer adjacent to the right-of-way regardless of whether land use permits are required under this UDO.

2. Subject only to Article 9, Nonconformities, any expansion of existing land uses involving frontage on the special highway shall comply with this section.
 - a. Site plans submitted under this section shall show a construction limit line delineating the buffer area existing prior to commencing construction.
 - b. No construction, and only selective thinning of underbrush are permitted in the buffer. No clearance of the existing vegetation within the delineated buffer area is allowed until after construction on the parcel is completed. Any cutting or clearance before completion of construction shall be subject to a fine of \$5.00 per square yard of area in the protected buffer that has been prematurely denuded.
 - c. Upon completion of construction, if an approved screening/landscaping plan has not already been approved, such plan shall be submitted at that time indicating how the screening/landscaping objectives of this section are to be achieved, with particular regard to the delineated buffer.

M. Access Points

1. For lots having more than 500 feet of frontage on an access or frontage road, points of ingress and egress shall be no closer than 500 linear feet.
2. For lots having less than 500 feet of frontage onto an access or frontage road, only one point of ingress or egress shall be allowed. Whenever possible, a minimum distance of 200 feet must be maintained between points of ingress and egress.
3. Ingress to and egress from a lot shall be prohibited within 200 feet of the intersection of the highway.

N. Parking

See underlying zone. Parking areas shall be paved with dust-free, all-weather surface, and shall be properly drained and landscaped. The number of spaces required may be reduced to the least extent necessary to accommodate landscaping required by this section.

O. Industrial Performance Standards

See Article 10 for outdoor lighting standards.

P. Regulations for Screening, Buffering, and Landscaping in Special Districts

The regulations set forth herein apply within the LAHO.

1. Street Yard Width and Planting Requirements

- a. Any nonresidential use of land (including vehicular surface areas) established after the effective date of this Section shall provide a street yard along any existing or proposed public street right-of-way adjacent to or adjoining the property except for those portions of the lot used for driveways or buffers planted in accordance with this UDO. The street yard shall be contiguous with the right-of-way.
- b. The total square feet area of the street yard shall be at least equal to five times the length in feet of frontage adjoining the public right-of-way (i.e., have a minimum of five feet in width).
- c. The minimum dimension of any street yard used to satisfy this section shall be measured perpendicular to the recorded public street right-of-way.
- d. The street yard shall contain at least one natural tree for every 75 linear feet of street yard or fraction thereof as measured from the corners of the property.
- e. The street yard shall contain natural trees, either existing or planted, of at least eight feet in height and one-and-a-half inches dbh.
- f. All required trees in the street yard must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater, unless subject to an overhead power line in which case the mature height may be less.
- g. This yard shall be landscaped and be properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs, and may, unless otherwise prohibited, include fences or walls, screening for loading, utility, and display areas, and plantings for vehicular surface areas. No more than 15 percent of this required protective yard shall be covered with an impervious surface which may be used without limitation for walkways, fountains or walls, but not vehicular surface, storage, utility service, display, or loading areas.

2. Interior Screening and Landscaping Standards

- Q. Trees shall be required at the minimum rate of one natural shade tree for every 2,000 square feet of total vehicular surface. All vehicular areas located serving one or more businesses or uses of land or share unified ingress and egress shall be considered as a

single vehicular surface area for the purpose of computing the required rate of trees, notwithstanding ownership.

- a. Shade trees as used herein means any tree, evergreen or deciduous, whose mature height of its species can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more, or is considered a shade tree in accordance with American Standards of Nursery Stock, set forth by the American Association of Nurserymen. The shade tree, existing or planted, shall be at least eight feet in height and one-and-a-half inches dbh.

(Ord. No. 3558, § 2, 7-7-09; Ord. No. 3780, § 3, 7-7-15)

9.1. SITE DESIGN STANDARDS

9.1.1. Purpose

The regulation of access to buildings and sites is important to control the flow and safety of traffic (pedestrian, automotive, and otherwise), reduce congestion, and provide easily identifiable, safe, and accessible access to sites and buildings via a direct path.

9.1.2. Access to Commercial Buildings

A. Applicability

The standards contained in this Subsection apply to all commercial structures.

B. Pedestrian Access

1. Street-facing entrances and/or corner entrances are required to enhance accessibility and concentrate pedestrian activity along the street edge.
2. Direct pedestrian access via a path is required from the public sidewalk to the primary street-facing entrance of the building in all nonresidential and mixed-use districts.
3. Pedestrian access shall be provided through retaining walls in situations where a retaining wall is located between the building entrance and the sidewalk in the public right-of-way and there are no other pedestrian access points or a sidewalk along a driveway within 200 feet on each street frontage.
4. Street-facing entrances shall be counted per façade, per building.
5. A corner entrance shall be counted as one entrance for each adjoining side of the building.
6. In the TBD and AC districts, entrances shall be provided in the quantity of at least one per building or leasable unit, plus a minimum of one entrance every 125 feet along each public-facing façade. If security is a concern, these entrances may be locked per the requirements of the tenant.
7. In the TBD and AC districts, an entrance is required within 25 feet along the façade from a corner where two public rights-of-way meet.

9.1.3. Lot Access

Single family detached residential, duplexes, and townhomes with individual driveways shall not have driveways that directly access a major thoroughfare.

9.1.4. Waste Collection Areas

- A. Residential uses with more than four dwelling units per structure or nonresidential uses greater than 10,000 square feet shall provide a centralized waste collection area.

9.1.5. Site Grading

- A. Grading activities shall be staged; prior to proceeding to another stage the developer shall stabilize the present stage with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.
- B. In no case shall mass grading exceed 20 acres per stage, including grading necessary for on-site infrastructure.
- C. Mass graded acreage in single-family residential subdivisions must retain at least 80% of the pre-development drainage areas within their natural basins.

9.2. PARKING AND LOADING REQUIREMENTS

9.2.1. Purpose and Intent

- A. In the interest of the public health, safety, and welfare, the Town Council finds it prudent and necessary to:
 - 1. Allocate space to accommodate vehicle parking and loading in appropriate areas.
 - 2. Promote safety for motorists and pedestrians.
 - 3. Encourage efficiency in traffic operations.
 - 4. Ensure uniform development of parking and loading areas.
 - 5. Promote visual harmony of parking and loading areas with the environment.
 - 6. Reduce excess parking spaces.
 - 7. Minimize the negative impacts of impervious surface on stormwater quantity and water quality.

9.2.2. Applicability

- A. The standards contained herein apply to all uses in the Town of Garner and its extraterritorial jurisdiction.
- B. The standards contained herein are the Town's minimum standards for approval.

9.2.3. Administrative Modifications

- A. Strict adherence to the parking standards contained herein may result in inadequate or excessive parking; therefore, the Administrator shall permit modifications from the requirements of up to 20% upon written request and a parking study certified by an engineer showing that:
 - 1. Any such modification shall not reduce the required number of accessible parking spaces.
 - 2. No reduction shall be granted for uses in the Residential Use Category as defined in Article 6, Use Regulations.
- B. Nonresidential development in the AC district shall be permitted a 25% reduction in off-street parking requirements.
- C. In the TBD District,
 - 1. Nonresidential uses shall be permitted a 20% reduction in off-street parking requirements.
 - 2. Parking on the street in front of property lines may be counted toward parking requirements. However, this parking is not proprietary to the establishment.

- D. All permitted or required modifications shall be noted on associated permits for the development.

9.2.4. Accessible Parking

- A. Accessible parking shall be provided in accordance with the North Carolina General Statutes, the NCDOT Manual on Uniform Traffic Control Devices for Streets and Highways, and the North Carolina State Building Code.

9.2.5. Off-Street Parking Requirement

- A. The table below lists the recommended minimum number of spaces for each use listed in the Table of Permitted Uses in Article 6, Use Regulations. It is recognized that many uses will desire to tailor the parking provided to their particular business model, often installing more than that listed in the table, and that these parking minimums serve as a floor and not a recommendation.
- B. If application of this table results in a fraction of a space, the number of required spaces shall be rounded up to the nearest whole number.
- C. For purposes of this section, minimums based on capacity and occupancy rates shall be calculated using the latest formulas for use and occupancy classifications found in the North Carolina State Building Code, unless otherwise indicated.
- D. Property owners, developers, and operators shall be responsible for determining any parking and loading needs above the listed minimum requirements.
- E. Where a site includes a mix of uses the parking requirement for each use shall be calculated independently and summed. No area shall be counted twice in the calculation.

USE	MINIMUM NUMBER OF VEHICLE SPACES
RESIDENTIAL USE CATEGORY	
Single-Family Detached	2 spaces per dwelling unit plus 1 space per room after the first four bedrooms
Two-Family Dwelling (2 dwelling units per structure, aka Duplex)	2 spaces per dwelling unit
Townhouse (3 or 4 dwelling units per house-scaled structure)	2 spaces per dwelling unit plus one guest space for every 8 units; individually-locked or leasable garage spaces only count as 0.5 parking space.
Townhome (>4 dwelling units per structure in development)	2 spaces per dwelling unit plus one guest space for every 8 units; individually-locked or leasable garage spaces only count as 0.5 parking space. Guest parking shall be distributed proportionately throughout the site and should be within 250 feet of the structure it serves.

USE		MINIMUM NUMBER OF VEHICLE SPACES
Multifamily (triplex or quadplex, up to 2,500 sq ft building footprint)		1.6 spaces per dwelling unit
Multifamily (>4 units per structure or over 2,500 sq ft building footprint)		1.6 spaces per dwelling unit plus 1 space for every 8 units; individually-locked or leasable garage spaces only count as 0.5 parking spaces Guest parking shall be distributed proportionately throughout the site and should be within 250 feet of the structure it serves.
Upper-Story Residential		1.4 spaces for each one bedroom unit and 1.6 spaces per all other dwelling units; plus 1 guest space per 10 dwelling units
Manufactured Home (Class A Unit Only)		2 spaces per dwelling unit
Manufactured Home Park		2 spaces per dwelling unit plus 1 space per 8 dwelling units
Security or Caretaker's Quarters		2 spaces per unit
Other Group Living Uses Not Listed		1 space per 2 beds
Group Care (with 9 or fewer residents)		1 space per 3 beds
Group Care (with more than 9 residents)		2 spaces for every 5 beds
CIVIC AND INSTITUTIONAL USE CATEGORY		
Other Civic and Institutional Uses Not Listed		1 space per 500 square feet
Assembly, Religious Institution or Place of worship, Civil, Service Fraternal Clubs, Lodges and Similar Uses		1 per 100 square feet in highest-capacity gathering space Accessory uses such as child care, offices, or food service shall provide parking according to their use
Library, Museum, Art Gallery		1 space per 300 square feet in principal building
Community Center		1 space per 200 square feet in highest-capacity structure
Higher Education		5 spaces per classroom
School, Primary or Secondary		1.6 spaces per classroom or office in elementary schools; 5 spaces per classroom or office in high schools
Emergency Services		n/a
Prison, Jail, Detention Facility		1 per employee plus 1 visitor space per 20 inmates
Cemetery		n/a
Hospice		1 space per 4 beds
Hospital		1 space per bed plus 1 space per employee at the most intensive shift
Ambulatory Health & Emergency Care Facility		1 space per 400 square feet of gross floor area
RECREATIONAL AND ENTERTAINMENT USE CATEGORY		

USE	MINIMUM NUMBER OF VEHICLE SPACES
Other Recreational and Entertainment Uses Not Listed	2 spaces per acre, plus 1 per 250 square feet of developed park facility
Bar, Nightclub, Tavern	1 space per 200 square feet of gross floor area
Golf Course or Country Club, Private	1 space per 200 square feet of building area plus any outdoor gathering area spaces
Horse Stables and Related Facilities	1 space per 4 horses at maximum capacity
Indoor Athletic or Entertainment Facility	1 space per 4 persons at 75% maximum capacity
Electronic Gaming Centers	1 space per 3 persons at maximum occupancy
Outdoor Athletic or Entertainment Facility	1 space per 4 persons at 75% maximum capacity
Theater	1 space for every 4 seats
Other Parks and Open Space Uses Not Listed	1 space per acre, plus 1 per 250 square feet of developed park facility
Public Park, Passive Open Space, Nature Park	2 spaces per acre, plus 1 per 250 square feet of developed park facility
Sexually Oriented Business	1 space per 3 persons at maximum occupancy
Theater, Drive-In	1 space per speaker outlet
Recreational community amenity areas (pool, clubhouse, or other amenity area) that are solely for the use of the residents of said development, and not generally open to the outside public	4 spaces plus 1 per every 20 dwelling units farther than 0.5 miles by road or walkway from amenity area
OVERNIGHT ACCOMMODATION USE CATEGORY	
Other Overnight Accommodation Uses Not Listed	1 space per bedroom
Bed and Breakfast, 8 rooms or fewer	1 space per room plus 1 space for every 2 employees on the maximum shift
Bed and breakfast, 9-30 rooms	1 space per room plus 1 space for every 2 employees on the maximum shift
Hotel / Motel	1 space per room plus 1 space for every 2 employees on the maximum shift
COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY	
Other Office Uses Not Listed	1 space per 500 square feet of gross floor area
Medical Office	1 space for every 200 square feet of gross floor area
Other Restaurant and Food Service Uses Not Listed	1 space per 4 occupants at maximum occupancy
Restaurant, Sit-down Establishment	1 space per 4 occupants at maximum occupancy

USE	MINIMUM NUMBER OF VEHICLE SPACES
Restaurant, with Drive-In or Outdoor Curb Service	1 space for each 3 seats, plus reserve lane capacity equal to 5 spaces per drive-up window.
Convenience Store, without Fuel Sales	1 space per 300 square feet of gross floor area
Convenience Store, with Fuel Sales	1 space per 500 square feet of gross floor area
In-Home Child Day Care	1 space in addition to required residential space(s)
Day Care Center	1 space per employee plus 1 space per 8 clients enrolled
Gym, Spa, Indoor Tennis Court, or Pool	1 space per 4 persons at maximum occupancy
Funeral Home	1 space per 2 employees plus 1 per 100 square feet in highest-capacity gathering space
Crematorium	1 space per 2 employees
Personal or Professional Services (up to 5,000 sqft ground floor footprint)	1 space for every 300 square feet of gross floor area
Personal or Professional Services (over 5,000 sqft ground floor footprint)	1 space for every 500 square feet of gross floor area
Banks or Financial Institution	1 space for every 500 square feet of gross floor area
Banks or Financial Institution, with Drive-thru or Vehicular ATM	1 space for every 500 square feet of gross floor area
Sales / Retail (no outdoor operations)	1 space per 250 square feet of gross floor area
Sales / Retail (with outdoor operations up to 25% of total sales area)	1 space per 250 square feet of gross floor area
Sales Oriented Use (with outdoor operations greater than 25% of total sales area)	1 space per 250 square feet of gross floor area
Parking Lot, Commercial	1 space per employee on the maximum shift
Self Storage, Mini Storage	1 per 10,000 square feet of area devoted to storage
Manufactured Home Sales	1 per employee on the maximum shift
Veterinarian / Kennel, Indoor	1 space per 300 square feet of gross floor area
Veterinarian / Kennel, with Outdoor Operations	1 space per 300 square feet of gross floor area
Vehicle Sales, Rental, Service, Repair	5 spaces per service bay plus 1 space for each employee
Vehicle Towing, Storage	1 space per employee

USE	MINIMUM NUMBER OF VEHICLE SPACES
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY	
Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed	1 per 1,000 square feet of gross floor area
Microbrewery / Microdistillery	1 per 1,000 square feet of gross floor area
Wholesale Sales	1 space for every 4 employees on maximum shift
Industrial, Manufacturing, or Production, Indoor Only	1 space for every 4 employees on the maximum shift
Industrial, Manufacturing, or Production with Outdoor Operation	1 space for every 4 employees on the maximum shift
Outdoor Storage (greater than 10' above grade)	1 space for every 4 employees on the maximum shift
Resource Extraction	1 space for every 4 employees on the maximum shift
Passenger Terminals	1 per 300 square feet
Truck Terminal, Fueling Terminal	1 space per 4 employees on maximum shift
Aviation Service and Freight	1 space per 2 employees, plus one visitor space per 200 square feet of office
Warehouse and Freight Movements	1 space per 4 employees on maximum shift
Other Waste Related Services	1 space per 4 employees on maximum shift
Recyclable Materials Collection Center	1 space per 4 employees on maximum shift plus 1 space per vehicle used in operation
Sanitary Landfill, Junk or Salvage Yard	1 space per 4 employees on maximum shift plus 1 space per vehicle used in operation
UTILITIES USE CATEGORY	
Other Utilities Uses Not Listed	None
Minor Utility	None
Solar Farms	1 space
Telecommunication Facility	1 per service vehicle
Concealed Telecommunication Facility	1 per service vehicle
AGRICULTURAL AND MISCELLANEOUS USE CATEGORY	
Other Agricultural Uses Not Listed	1 space per 2 employees on maximum shift
Agriculture or Silviculture	1 space per 2 employees on maximum shift
Greenhouse, Nursery (Commercial), indoor operations	1 space per 4 employees
Greenhouse, Nursery (Commercial), outdoor operations	1 space per 4 employees

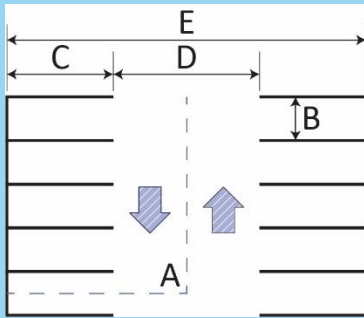
USE	MINIMUM NUMBER OF VEHICLE SPACES
ACCESSORY, TEMPORARY, AND HOME OCCUPATION USE CATEGORY	
Accessory Uses and Structures – Section 6.12	None
Home Occupations – Section 6.13 and 6.14	See corresponding residential use.
Temporary uses – Section 6.15	None
Cluster Mailbox Units (CBUs)	2 spaces per first 20 units and 1 per each additional 20 units. 1 per every 30 units after first 100 units.

9.2.6. Design and Dimensional Standards

A. Parking Spaces

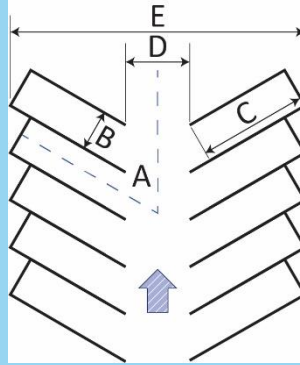
1. The minimum dimensions for parking spaces perpendicular to the curb shall contain a rectangular area at least 18 feet long and 9-feet wide.
2. In single-family, duplex, townhome, and mobile home uses, the first parking space in a garage shall not count toward the off-street parking minimum.
 - a. Required parking spaces shall not block the route from the garage to street.
3. Accessible parking spaces shall adhere to the criteria listed above (Section 9.2.4.).
4. Parallel parking spaces shall have a rectangular area of not less than 24 feet long, and nine feet wide.
5. Alternative designs may be allowed by the Town Engineer provided that the design is consistent with the dimensions contained in the Institute of Transportation Engineers' Traffic Engineering Handbook.
6. Parking areas shall conform with the dimensions illustrated below.
7. Wheel stops are required for parking spaces that are directly adjacent to public sidewalks and required pedestrian walkways, and shall be located a minimum of 2.5 feet back from the edge of a sidewalk or walkway.

90-Degree Parking



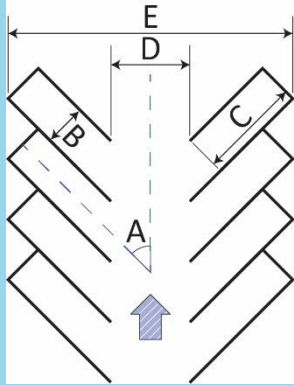
$$A = 90^\circ \quad B = 9' \quad C = 18' \quad D = 24' \quad E = 60'$$

60-Degree Parking



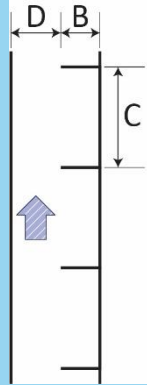
$$A = 60^\circ \quad B = 9' \quad C = 18' \quad D = 18' \quad E = 62'$$

45-Degree Parking



$$A = 45^\circ \quad B = 9' \quad C = 18' \quad D = 14' \quad E = 56'$$

0-Degree Parking



$$A = 0^\circ \quad B = 9' \quad C = 24' \quad D = \text{Street Width}$$

B. Parking Aisle Widths and Driveways

1. Parking aisle widths shall conform to the following standards.

Parking Angle	Min. Width: One Row Sharing Aisle	Min. Width: Two Rows Sharing Aisle
90 degrees	42 feet	60 feet
60 degrees	40 feet	62 feet
45 degrees	35 feet	56 feet

2. Driveways shall be at least 10 feet in width for one-way traffic and at least 18 feet in width for two-way traffic.
3. Driveways less than 10 feet in width shall be permitted if all the following are true:
 - a. The driveway is less than 50 feet.
 - b. The driveway does not provide access to more than six spaces.

- c. Sufficient turning space is provided so that a vehicle need not back into the street when traveling between drive aisles.
 - d. The street and the driveway property's land use have low traffic volumes or anticipated low traffic volumes.
4. A variance may provide relief from this requirement.

9.2.7. Vehicle Accommodation Areas

- A. Design of vehicle accommodation areas shall meet the following standards:
 - 1. Vehicles shall exit the vehicle accommodation area without backing into a public street. This provision shall not apply to driveways serving one or more dwelling units.
 - 2. Vehicles shall not overhang property lines, obstruct public rights-of-way or sidewalks, conflict with vegetation, or damage any structure.
 - 3. Vehicle accommodation areas shall not pose a danger to pedestrians or other motorists.
 - 4. Vehicle accommodation areas may not interfere with parking areas.
 - 5. Dead-end parking areas are prohibited unless a turnaround space is striped, signed, and provided.
- B. To protect against potholes, erosion, and dust, vehicle accommodation areas meeting the criteria below shall be graded and surfaced with asphalt, concrete, or other similar dust-free material approved by the Administrator.
 - 1. Vehicle accommodation areas with drive-thru-lanes, or
 - 2. With 10 or more parking spaces, and
 - 3. That are used five or more days per week.
- C. Vehicle Accommodation Areas with Nonpermanent Pavement and Three or More Parking Spaces
 - 1. Where permanent paving is not used, the surface shall be graded with crushed stone, gravel, or other suitable material approved by the Administrator.
 - 2. The perimeter of areas without permanent paving shall be delineated by bricks, stones, railroad ties, or similar devices.
- D. A minimum of five feet shall be provided between the right-of-way line or property line and the edge of the vehicle accommodation area.
- E. Vehicle accommodation areas shall be landscaped in accordance with Article 10, Lighting and Landscaping.

- F. The pavement and parking space markings of vehicle accommodation areas shall be maintained in good condition. Markings should be visible and distinct.
- G. Head-in or angled parking spaces shall be separated from walkways by at least four feet.
- H. Where parallel parking spaces abut a sidewalk or pedestrian way, an additional two feet of clearance from the parking shall be provided.

9.2.8. Shared Parking Standards

Shared parking allows for a reduction in the total number of parking spaces required for certain properties where a mix of adjacent land uses have varying peak periods of parking demand.

- A. Applicability
 - 1. Shared parking shall be considered only for new developments or significant increases in building size or additions.
 - 2. Shared parking may not include a reduction in accessible parking spaces.
 - 3. Shared parking is only permitted in the NC, TBD, AC, CMU, I1, and I2 districts.
 - 4. A use for which an application is made for shared parking shall be located within 800 feet of the parking facility.
- B. Shared Parking Agreement
 - 1. The parties involved shall execute a shared parking agreement, which shall be filed with the Planning Department.
 - 2. The agreement shall continue as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, parking shall be provided as otherwise required by this Ordinance.
- C. Shared Parking Plan
 - 1. The shared parking agreement shall include a shared parking plan.
 - 2. The plan shall include all the following elements:
 - a. Parking spaces (numbered).
 - b. Required parking calculations.
 - c. Any directional signage directing drivers to the most convenient parking locations.
 - d. Pedestrian walkways and connections.
 - e. Connections between parking areas and land uses.
 - f. Timing of operations.

Commentary
(01/01/2021): Parallel parking spaces abutting a sidewalk or pedestrian way require an additional two feet of clearance. One way that this can be accomplished is by widening the sidewalk by two feet.

D. Parking Study

1. A formal parking study shall not be required.

E. Calculation

1. The Administrator shall permit uses requiring different amounts of parking to reduce the number of spaces required for the use with the higher requirement, according to the Table of Parking Requirements, by up to 30%.

9.2.9. Satellite Parking

- A. If the required number of parking spaces cannot reasonably be provided on the same lot as the use they serve, then spaces may be provided on nearby lots in accordance with this Section.
- B. The developer must provide proof by written consent of the owner of the lot where the parking area is to be located.
- C. Satellite parking areas must be located within 400 feet of the use they serve.
- D. Satellite parking areas must satisfy all requirements for vehicle accommodation areas and vehicular surface areas found in this Ordinance.

Commentary
(01/01/2021): As long as one parking space is entirely within the 400-foot distance, the vehicular accommodation area will qualify.

9.2.10. Loading and Unloading Areas

- A. Where normal business operations require routine shipping activity, sufficient off-street parking and loading shall be provided for safety and convenience.
- B. The area must be able to accommodate the number and types of vehicles used or likely to be used. The following table includes the required number and dimensions of spaces by building gross floor area.
- C. The Administrator shall approve modifications to the number or size of spaces if provided written justification signed and sealed by an engineer licensed in North Carolina.

Gross Floor Area	Number of Spaces with Maximum Dimensions of 12' X 25' and Overhead Clearance of 14' From Street Grade
0—39,999	1 space
40,000—99,999	2 spaces
100,000—159,999	3 spaces
160,000—239,999	4 spaces

240,000—319,999	5 spaces
320,000—399,000	6 spaces
400,000 and over	6 spaces plus one space for each additional 90,000 square feet over 400,000 square feet or fraction thereof

- D. Loading and unloading areas shall be designed and located so that vehicles can:
 - 1. Maneuver safely to and from a public right-of-way; and
 - 2. Complete operations without obstructing or interfering with any public right-of-way, parking spaces, or parking lot aisle.
- E. Loading and unloading areas shall not be used to satisfy parking requirements and vice versa.
- F. Loading and unloading areas within industrial subdivisions shall not be visible from any right-of-way or residential use or district. They shall be located to the rear or side of structures. Where this is not feasible the loading docks and doors shall be screened in accordance with Article 10, Lighting and Landscaping.

9.2.11. Bicycle Parking

- A. General Provisions
 - 1. Bicycle parking is required in the MF1, MF2, NC, CMU, and I1 zoning districts.
 - 2. All uses within applicable districts shall provide a minimum of two bicycle spaces.
 - 3. In TBD and AC Districts, the Town of Garner shall provide parking.
 - 4. In a multi-tenant development, minimum requirements shall be based on overall square footage of each use. In such case, bicycle parking may be clustered, provided that every tenant has a cycle rack within 50 feet of their primary entrance.
 - 5. Bicycle parking must be located within 50 feet of primary building entrance or as close as possible. For parks, cycle racks must be located within 150 feet of primary park entrance.
 - 6. Racks must support the bicycle frame at two points. Racks that support only the wheel of the bicycle are not permissible.
 - 7. Bicycle parking locations with dimensions shall be shown on the preliminary site plan.
 - 8. See Article 10 for lighting requirements in bicycle parking areas.
 - 9. Cycle racks shall be on graded, paved areas with direct paved access to walkways and sidewalks.

B. Bicycle Parking Minimums

1. New or existing automobile required parking may be replaced by bicycle parking at a ratio of one automobile parking space for every four bicycle parking spaces provided. No more than 5% of the required automobile parking spaces for nonresidential uses shall be replaced at a site.
2. Bicycle parking shall be provided in the following quantities:

Principal Use Category	Minimum Cycle Parking Spaces
Residential - Multifamily over 4 units, Upper story residential, group living	1 per 10 bedrooms
Civic and Institutional	4 bike spaces per 20,000 square feet of interior space
Recreation and Entertainment	4 bike spaces per 20,000 square feet of interior space
Overnight Accommodation	2 per site
Commercial, Office, Retail, and Service	4 bike spaces per 20,000 square feet of interior space
Industrial	1 per 40,000 square feet of interior space
Park or Open Space	8 spaces per acre for parks up to 3 acres, 2 spaces per acre after the first 3 acres. Minimum of 8 parking spaces per parking area

9.2.12. Electric Vehicle Charging

Two electric vehicle (EV) charging stations are required in all parking lots greater than 100 spaces, with an additional station required for every 100 spaces thereafter. In a parking deck, one EV charging station per 100 spaces is required.

9.3. BUILDING DESIGN

9.3.1. Purpose Statement

Regulation of the following site design elements is necessary in order to encourage design excellence in development. These performance-based design standards influence the qualities of architecture, site design, and open space, and guide individual projects towards successful design outcomes. The requirements address the aspects of building and site design that most influence the public realm while still allowing for innovation and flexibility by the respective designers.

Building design standards help achieve the following goals for Garner's public realm:

- A. New development that reflects and enhances Garner's existing character, with consistent architectural styles throughout respective new developments,
- B. Inviting streetscapes that feature active facades and buildings that interact with the street,
- C. Walkable urban environments, in relevant zoning districts, with clear pedestrian entrances and direct access to buildings,
- D. A sense of scale and visual interest through massing, materials, and architectural elements,
- E. Defined, continuous streetwalls where building façade setbacks do not differ too greatly along a block,
- F. Meaningful, inviting public spaces that are accessible to all and incorporate elements such as native planting, shade, enclosure, seating, and lighting.

9.3.2. Applicability

All multi-family development with 3 or more dwelling units and all nonresidential and mixed use development and structures are subject to the following standards to the extent that these requirements do not conflict with 160D-702(b). Industrial uses shall be exempted, except for office or general sales areas serving the general public. Other applicability specifications are stated where relevant.

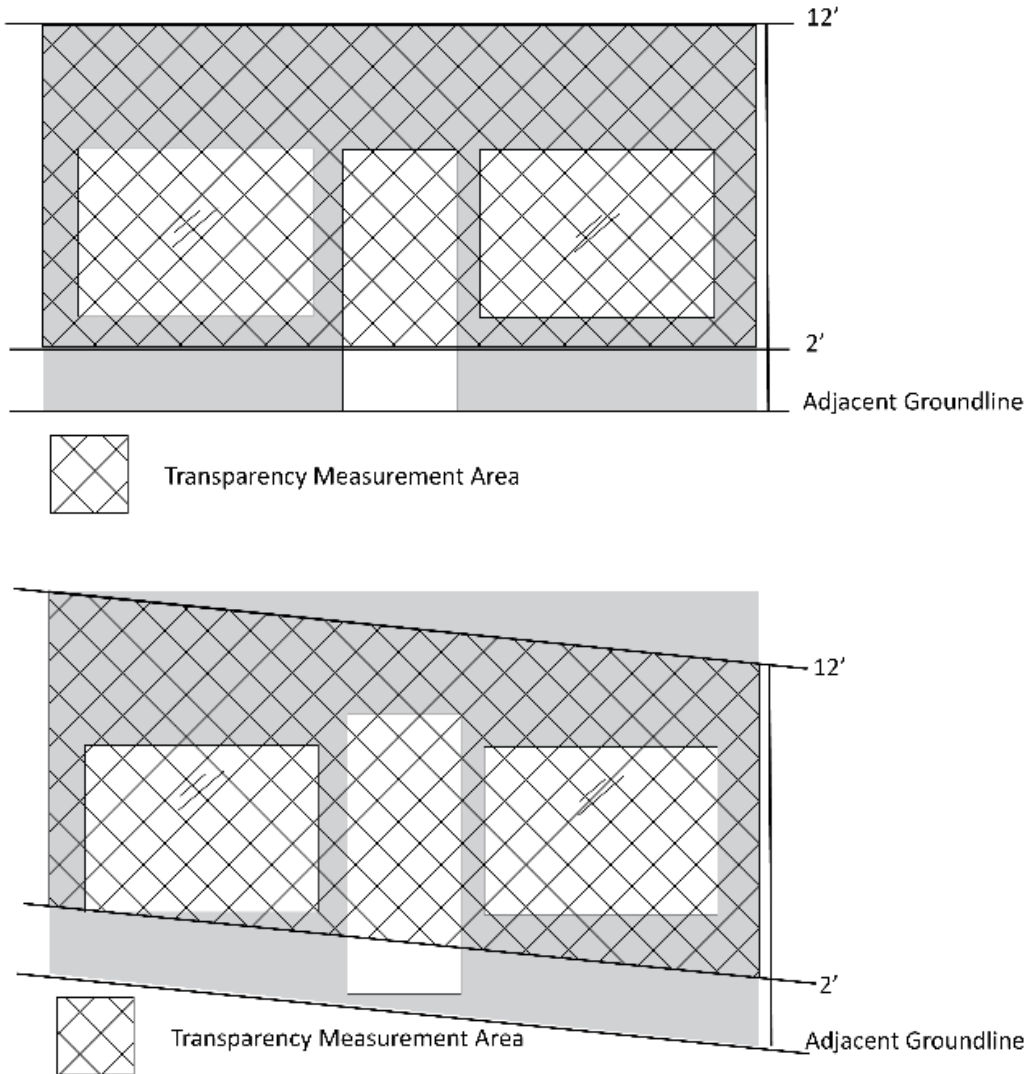
9.3.3. Transparency

- A. To encourage active, engaging facades, public safety through "eyes on the street", and a pedestrian-friendly environment, transparency standards shall apply to all facades that front public rights-of-way.
- B. Transparency is defined as any façade area containing windows, doors, or glass walls meeting the following requirements.
 - 1. Glass with transparency higher than 80% and external reflectance of less than 15%,
 - 2. Free of opaque window treatments,

Commentary:
Streetwalls consist of combined facades of buildings generally built to the property line facing a street or common open space area. A continuous streetwall helps define the public realm of a street and is a large contributor to pedestrian comfort and city design.

3. Visible into the ground floor of the building, free of building materials, shelving, and other impediments, at a minimum depth of 5 feet.
 4. Note that lawfully-occurring window signage does not detract from or count against meeting the transparency requirement.
- C. For ground floor transparency, transparency is measured along the entire length of a facade between 2'-12' from the adjacent groundline.

Transparency measurement on level and sloped sites



The cross-hatched area represents the portion of the façade where the amount of transparency is measured.

- D. Transparency minimums shall apply to the street-facing frontages of buildings.
1. Primary frontages are defined as the building facade where the

primary entrance and/or the most publicly-facing storefront facade is located. On a corner building, the façade facing the street with storefront windows, the higher designation, or volume of traffic shall be considered the primary frontage.

2. Residential uses are exempt from transparency minimums.
3. Standards in the I-1 district do not apply to portions of a building housing industrial or manufacturing uses.

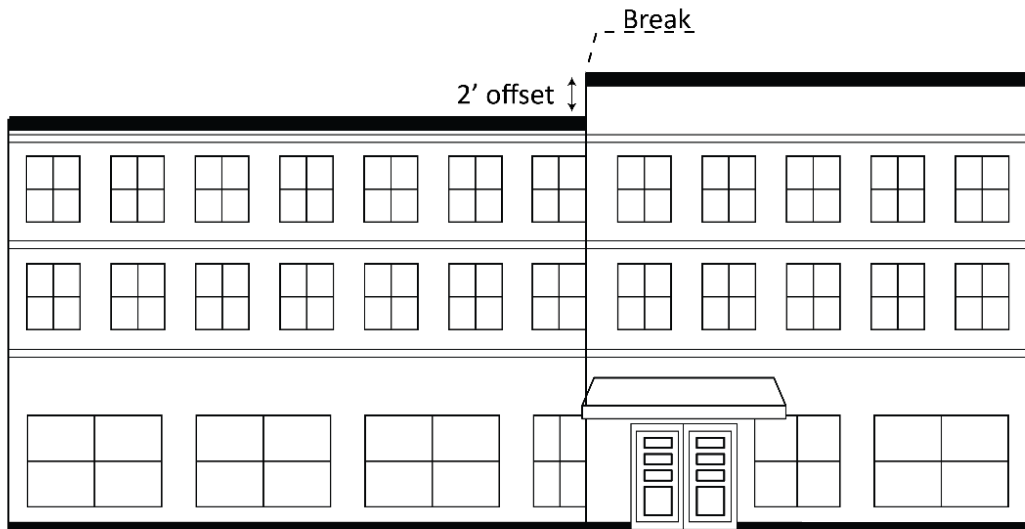
	Primary frontage, ground floor	Other frontages, ground floor	Upper-story, all public frontages
NC	50%	33%	20%
CMU	33%	0%	10% (primary frontage only)
TBD	66%	66%	33%
AC	66%	66%	33%
I-1	50%	33%	10%
Other districts	33%	33%	20%

- E. Upper-story transparency is measured per story on all floors above the ground floor.
 1. If a ground floor extends higher than 18 feet in height, upper-story standards shall apply for every 12-foot-high section, starting 18 feet from the groundline.
 2. When a one-story building is between 18 and 30 feet in height, the area between 18 and 30 feet from the adjacent groundline shall be counted as an upper story for purposes of transparency.
- F. The maximum horizontal width of a portion of the ground floor level street wall of the primary façade in the TBD and AC districts without transparency shall not exceed 10 feet.

9.3.4. Roof Articulation

- A. To avoid large, continuous building mass of uniform height, no portion of the roofline of may continue for more than 100 feet horizontally without a break.
- B. For these purposes a “break” is defined as:
 1. A vertical offset of at least 2 feet in height and ten feet in length, which can be achieved through a parapet or other variation in roofline.

Vertical roof articulation



9.3.5. Material Requirements

- A. No metal lap siding or vinyl siding on nonresidential buildings shall be permitted.
- B. At least 50% of the primary building materials shall consist of brick, stone, or decorative/scored concrete masonry units.
- C. Buildings shall be limited to a maximum of three types of materials and colors. This excludes decorative and functional elements such as fastenings and trim. No more than 10% of the structure's exterior materials may be metal. Metal fastenings and trim shall not count toward this standard.

9.3.6. Façade Requirements

- A. Structures greater than four units with facades longer than 50 feet in must contain façade articulation in the following manner:
 - 1. Projections and/or recesses of the average wall plane of at least two feet in depth and eight feet in width.
 - 2. No wall plane shall extend for greater than 25% of the length of the entire façade.
- B. Structures with facades longer than 50 feet in length in the MF2, TBD, and AC districts must contain at least four of the following building elements on public-facing facades. Elements shall be distributed such that there shall not be a horizontal distance of more than 12 feet without an element:
 - 1. Recessed or protruding porches or balconies at least 6 feet wide and 2 feet deep

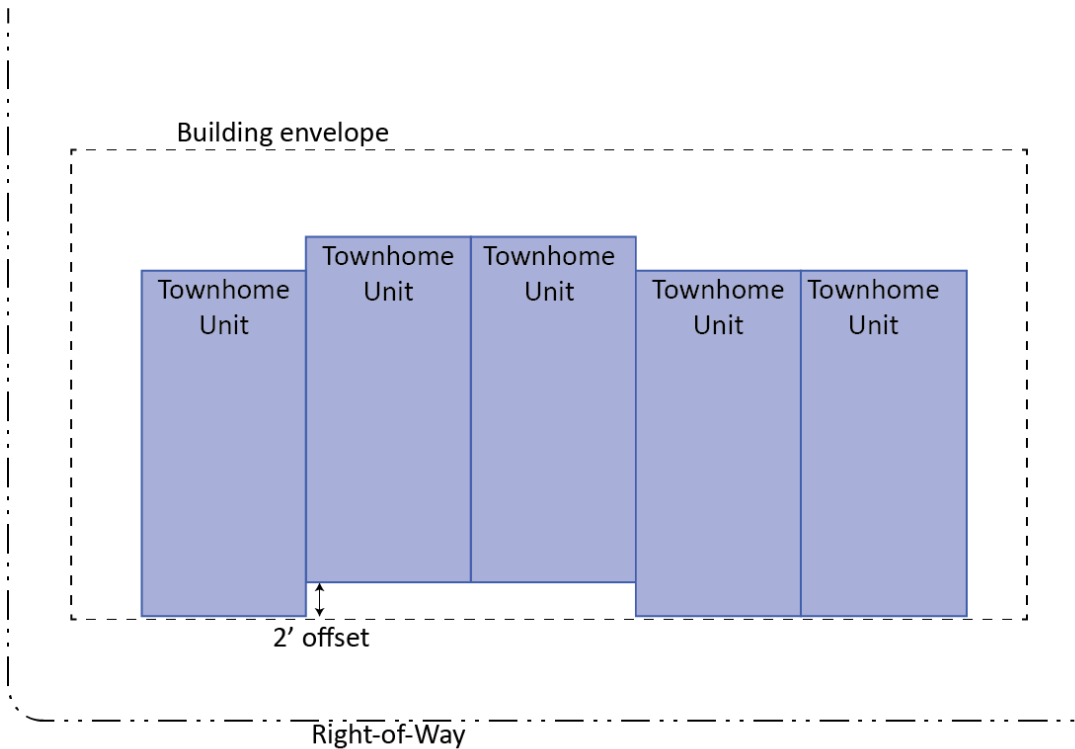
2. Vertical articulation, such as chimneys, or pilasters of at least 12 inches in depth
3. Pedestrian arcade
4. Lighting Features
5. Awnings
6. Alcoves
7. Recessed entries
8. Ornamental cornices
9. Changes in material or massing (min. 2 feet change)

9.3.7. Townhomes

To the extent that it does not conflict with G.S. § 160D-702(b), the following standards apply:

- A. Vehicle access to townhomes shall be from the designated primary street or from a rear alley. Driveways shall not extend from the secondary street.
- B. Townhomes may have pedestrian side entrances on end units.
- C. At least 25% of townhome end units within a development shall have a porch or entrance on the side.
- D. A hipped roof is required for the side of the structure abutting a single family detached or duplex residential use.
- E. When abutting a single family or duplex residential use, new structures within 100 feet of the shared property line shall not be more than one story taller than the shortest primary structure on adjacent properties
- F. Townhome structures shall incorporate roof articulation every two units in the following manner:
 1. A flat roof plane or parapet roof shall incorporate a break (as defined in Section 9.3.4) at least every two dwelling units.
 2. For peaked roofs, a dormer with window shall be incorporate at least every two dwelling units.
- G. No more than two adjacent townhome units may share the same front facade line.
 1. Facades must be offset at least 2 feet in depth to be considered as having different front building lines.

Townhome building line variation



9.3.8. Multifamily Requirements

To the extent that it does not conflict with G.S. § 160D-702(b), the following standards apply:

- A. All structure sides shall provide a minimum of one glazed window or transparent penetration per floor per dwelling unit.
- B. A hipped roof is required for the side of the structure abutting a single family detached or duplex residential use.
- C. When abutting a single family or duplex residential use, new structures within 100 feet of the shared property line shall not be more than one story taller than the shortest primary structure on adjacent properties.

9.3.9. Requirements for Large-scale Multifamily (Greater than 4 Dwelling Units per Structure) and Upper-story Residential

- A. On the second and third stories, usable balconies protruding at least 3' from the primary building face and at least 8' wide are required. The required balcony area must have railings that are mostly see-through.
- B. Above the third story, usable balconies protruding at least 2' from the primary building face and at least 8' wide are required. Alternatively, a minimum 3' deep by 8' wide balcony may be fully or partly recessed. There is no requirement for transparency in the balcony railing/wall.

A. Meetings

1. The Board of Adjustment shall establish a regular meeting

schedule and shall meet frequently so as to allow for expeditious processing of applications. The Board of Adjustment may provide in its by-laws for the calling of special meetings.

2. Pursuant to G.S. § 160D-406(g), the Board of Adjustment may issue subpoenas.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 30, 2021		
Subject: ARP Funding Discussion		
Location on Agenda: Discussion/Reports		
Department: Town Manager's Office		
Contact: Rodney Dickerson, Town Manager		
Presenter: Rodney Dickerson, Town Manager and John Hodges, Assistant Town Manager		
Brief Summary: Staff will facilitate a discussion with Council regarding preliminary proposed uses of ARP funding. The Manager's Office Preliminary Recommendation is provided in the attached memo.		
Recommended Motion and/or Requested Action: Discussion		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TO: Mayor and Council Members

FROM: Rodney Dickerson, Town Manager
John Hodges, Assistant Town Manager

DATE: November 16, 2021

SUBJECT: ARP Preliminary Recommendation

At the request of Council, a preliminary recommendation for the use of the Town of Garner's direct allocation from the American Rescue Plan Act of 2021 (ARP) has been prepared by the Manager's Office. This recommendation is being made prior to receiving final guidance from the US Treasury and prior to proposed congressional action, either of which could significantly change the allowable uses and the Manager's recommendation.

Background

The Town will receive a direct allocation of funding as a Non-Entitlement Unit (NEU) of just over \$10M in two tranches of approximately \$5M each. The first installment has been received. The second installment is expected June 2022. This recommendation does not include any potential funding opportunities that may become available to Garner through the State of North Carolina or through expansion of or creation of federal funding opportunities associated with ARP.

Additional background information was presented to Council on September 28, 2021. That presentation is attached for reference. Also attached for reference is an outline of staffs' analysis of the July 19, 2021, Treasury Guidance which is the most recent official information available.

It is important to note that the Town, along with most North Carolina cities and towns, is relying heavily on the UNC School of Government to help evaluate the existing guidance and provide recommendations for how the guidance aligns with or is limited by state law.

Allowable Uses

Current guidance allows for the follow four uses of our ARP funds:

1. Address COVID Public Health and Economic Impact
2. Replace Lost Revenue
3. Premium Pay
4. Infrastructure Investments

As previously reported, the Town of Garner did not realize a significant loss of revenue based on the current calculation guidelines. The current allowable amount, estimated to be \$60,000, can be used to offset general government operations.

The Town provided Premium Pay to qualifying positions during the height of the pandemic using CARES Act funding. Currently, there is no recommendation to provide additional premium pay.

Proposed Uses

Based on current guidelines, which are subject to and likely to change, the Manager's Office offers the following potential uses of ARP funds. This recommendation is an initial proposal based on currently understood Council priorities and observations of the needs of a growing and changing community. Additional discussion and information are needed to fully align this recommendation with the Council's goals and the community's needs and expectations.

Address COVID Public Health and Economic Impact - \$4M

Potential Uses/Projects May Include:

- Capital investments in public facilities to meet pandemic operational needs - \$1.25M
 - o HVAC Repair or Replacements at Public Facilities
 - o Maintenance of parks and public spaces
 - o Permanent changes to facilities in response to pandemic
- Public Infrastructure Improvements in Qualified Census Tracts - \$0.75M
 - o Sidewalks
 - o Parks and public spaces
- Housing Affordability - \$2M
 - o Commission Housing Inventory and Affordability Analysis Study
 - o Investment in a local strategic project(s) (direct or through land trust or other mechanism)
 - o Investment in property acquisition to ensure affordable transit-oriented development in key transit corridor(s)
 - o Investment in and partnership with Wake County's non-tax credit RFP fund to encourage development of affordable housing in new development
 - o Investment in and partnership with Wake County's fund for protecting affordable housing

Infrastructure Investments - \$6M

Potential Uses/Projects May Include:

- Wastewater - \$3.50M
 - o Partner with City of Raleigh for strategic CIP improvements to expand wastewater system
- Stormwater - \$0.50M
 - o Stormwater pipe projects (if needed outside of 2021 Bond funding)
 - o Electric Street Sweeper and Charging Infrastructure
 - Serve growing geography and wrap for educational purposes
 - o Green construction methods for new parks and facilities
 - o Wetland protection methods for new parks and facilities

- Surface Water Protection - \$0.80M
 - Property acquisition and improvements
- Capital Project Planning (Pro-rata) - \$0.20M
 - Parks
 - Future Public Works Facility
- Stormwater Management Plans - \$0.15M
 - Small Pipe Study
- Drinking Water - \$0.85M
 - Address inadequate drinking water issues in Garner's ETJ

The proposed amounts are an initial allocation only and are not based on specific projects or cost estimates. Additional funding or reallocation of funding may be required to fully fund specific projects. Again, this recommendation is being made prior to receiving final guidance from the US Treasury and prior to proposed congressional action, either of which could significantly change the allowable uses and the Manager's recommendation. If restrictions are loosened, the Manager's Office will work with staff to prepare a revised proposal.

Please let us know your preliminary thoughts on the proposed categories and uses. If there is Council consensus to move forward on any of these initiatives prior to receiving additional guidance, we will move forward with additional discovery and cost estimates.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 30, 2021 		
Subject: Compliance with SB300 - Decriminalization of Certain Ordinances		
Location on Agenda: Discussion/Reports		
Department: Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Session Law 2021-138, Criminal Justice Reform, changes the presumption that all local ordinances may be enforced criminally and prohibits the criminal enforcement of certain local ordinances. The Town Code of Ordinances will need to be amended to comply this new law which will be effective December 1, 2021.		
Recommended Motion and/or Requested Action: Provide feedback or direction on future criminal enforcement of Town ordinance violations.		
Detailed Notes: An analysis has been performed on the Town Code of Ordinances regarding every use of the terms "prohibit" or "unlawful" and all existing enforcement provisions. Council will need to determine whether to retain or to repeal criminal enforcement of certain local ordinances. In addition, the current criminal enforcement provisions of Article II of Chapter 16 (Taxicabs) and Section 10.3.2 of the Unified Development Ordinance (planning and development regulations) will be prohibited by operation of SL 2021-138 on December 1, 2021.		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TJ	
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		



Town Attorney Report

TO: Town Council

FROM: Terri Jones

DATE: November 22, 2021

SUBJECT: Decriminalization Analysis

Effective December 1, 2021, Session Law 2021-138, Criminal Justice Reform, changes the presumption in North Carolina General Statutes Section 160A-175 that all local ordinances may be enforced criminally and prohibits the criminal enforcement of certain local ordinances. Prohibited categories include:

- (1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.
- (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.
- (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc. (occupations, businesses, trades, professions, and forms of amusement or entertainment)
- (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.
- (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- (10) Any ordinance regulating trees.

This law applies to offenses and violations committed after December 1st.

The Town Code of Ordinances will need to be amended to comply this new law. An analysis has been performed on the Town Code of Ordinances regarding every use of the terms "prohibit" or "unlawful" and all existing criminal enforcement provisions. Council will need to determine whether to retain or to repeal criminal enforcement of certain local ordinances. In addition, Article II of Chapter 16 (Taxicabs) and the Unified Development Ordinance (planning and development regulations) will no longer be enforced criminally by operation of SL 2021-138.

A. Provisions that must be changed to comply with SL 2021-138

1) Section 1-8 – General penalty.

- (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Code or of the ordinances of the Town.
- (b) Where no specific penalty is provided in any provision of this Code or in any ordinance of the town, each person convicted for the violation of any such provision may be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than thirty (30) days.
- (c) In addition to all other punishment herein provided for, any person found guilty of violating any of the ordinances or provisions thereof, of the town may be required to pay the court costs, or any portion thereof, in the discretion of the court.
- (d) Unless otherwise expressly provided, each day's violation of a provision of this Code or other ordinance of the town shall constitute a separate offense.

2) Section 7-23 – Violations; penalties (Minimum Housing) (*must be amended in accordance with SL 2021-138*)

3) Section 16-17 – Enforcement (Taxicabs) (*prohibited effective 12/1/2021 in accordance with SL 2021-138*)

4) UDO Section 10.3.2 – Penalties and Remedies for Violation.

A. A violation or failure to comply with any of the provisions or requirements of the UDO, including a violation of any of the conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor punishable as provided in G.S. 14-4. (*prohibited effective 12/1/2021 in accordance with SL 2021-138*)

B. Provisions that currently contain a specified criminal penalty

- 1) Section 3-24 – Interference with enforcement of the Animal Control Chapter [Class 2 misdemeanor per Section 3-25(j)]
- 2) Section 4-37 – Violations; enforcement (Hazardous Materials Data Storage Boxes) (*minor amendment needed to correct references*)
- 3) Chapter 5 - Garbage, Refuse, Rubbish and Waste Chapter) (general misdemeanor per Section 5-11, *minor amendment needed to correct cross-reference*)
- 4) Section 5-10 – Storage in public or private containers regulated (misdemeanor as provided in Section 1-8)
- 5) Chapter 6 – Health and Sanitation Generally (Nuisances) - misdemeanor per Section 6-26 (*minor amendment needed to correct applicability*)
- 6) Section 6-27 – Alternative nuisance abatement (non-occupant owner may be subject to misdemeanor prosecution)

- 7) Section 7-19 – In rem action by inspector, placarding for failure to comply with orders (Minimum Housing) [occupation of building posted with unfit for human habitation placard shall constitute a misdemeanor, no fine or imprisonment specified]
- 8) Section 9-40 – Itinerant merchants, peddlers, transient vendors and solicitors
- 9) Section 9-41 – Begging, solicitation or vehicle interference
- 10) Section 10-79 – Civil enforcement of parking provisions [*only those parking violations listed in subsection (d)(9)-(15)*]
- 11) Section 11-15 – Loud, disturbing and unnecessary noises
- 12) Section 11-16 – Massages for hire or reward which include touching genitals prohibited
- 13) Section 11-18 – Model aircraft and unmanned aircraft on town property (*fine only, no imprisonment*)
- 14) Section 11-19 – Closing of public parks (*fine only, no imprisonment*)
- 15) Section 11-43 – Penalty for violation (State of Emergency provisions)
- 16) Section 11-57 – Enforcement (Graffiti) (*cross-reference to Section 6-25*)
- 17) Section 15-30 – Failure to abate nuisance (Sight Obstruction at Intersection)
- 18) Section 15-72 – Installation of drainage pipe (Streets and Sidewalks)
- 19) Section 15-88 – Prohibited conduct (Parades, Picket Lines and Demonstrations) (*Class 2 misdemeanor*)
- 20) Section 15-91 – Interference with parades, picket lines and demonstrations (*Class 2 misdemeanor*)
- 21) Section 17-3 – Connecting, disconnecting, bypassing, adjusting, regulating, controlling water meters
- 22) Section 17-97 – Enforcement (Stormwater, Illicit Discharges Ordinance)
- 23) Section 18-2 – Weapons prohibited on town property
- 24) Section 19-125 – Enforcement and penalties (Erosion and Sediment Control) (amount of criminal fine not specified, so fine amount is set by State statute at \$50.00)

C. Provisions with no specified criminal penalty

- 1) Section 1-7 – Altering Code (*reference to Section 1-8*)
- 2) Section 3-4 – Dead animals
- 3) Section 3-5 – Horses, cattle, swine, chickens and other animals
- 4) Section 3-6 – Backyard hens
- 5) Section 3-9 – Bird sanctuary
- 6) Section 3-10 – Unlawful to allow fowl to run at large
- 7) Section 3-11 – Cruelty to animals
- 8) Section 3-12 – Licensing, dogs and cats
- 9) Section 3-13 – Number of dogs to be kept on premises; sanitary quarters required
- 10) Section 3-15 – Prohibited actions (animals running at large, nuisance animals)
- 11) Section 3-16 – Confinement and control of inherently dangerous mammals
- 12) Section 3-17 – Confinement and control of dangerous animals
- 13) Section 3-18 – Requirements for an attack training facility
- 14) Section 3-22 – Teasing and molesting animals
- 15) Chapter 3 Article II – Rabies Control (Sections 3-26 through 3-35)
- 16) Section 4-3 – False fire alarms

- 17) Section 4-4 – Prohibition and control of open burning
- 18) Section 4-15 – Enforcement of compliance with the North Carolina Fire Code
- 19) Section 9-4 – Displaying goods, wares, merchandise on sidewalks
- 20) Section 9-65 – Violations (unauthorized connections or tampering with cable TV systems)
- 21) Section 10-45 – Turns at intersecting streets; unlawful procedure
- 22) Section 10-51 – Driving on one-way streets
- 23) Section 10-53 – Limitations on backing (into intersections or crosswalks)
- 24) Section 10-55 – Driving over freshly painted directional signs
- 25) Section 10-58 – Driving on sidewalks
- 26) Section 10-59 – Obstructing intersections, crosswalks
- 27) Section 10-60 – Unlawful to fail to move vehicle for convenience of passerby
- 28) Section 10-61 – Driving on play streets
- 29) Section 10-62 – Driving through safety zone
- 30) Section 10-63 – Driving in town parks
- 31) Section 10-66 – Use of city streets as through streets by commercial vehicles
- 32) Section 10-67 – No through traffic
- 33) Section 10-82 – General parking regulations for trucks and trailers (no parking on public streets)
- 34) Section 10-84.1 – No parking and fire lanes
- 35) Section 10-104 – Issuance and use of residential parking permits (to use decal on non-qualifying vehicle, false representation, or false information)
- 36) Section 10-116 – Abandoned vehicle unlawful; removal authorized
- 37) Section 10-130 – Unlawful removal of impounded vehicle
- 38) Section 11-2 – Disorderly conduct at public meetings
- 39) Section 11-3 – Unlawful to breach peace, engage in riotous, disorderly conduct
- 40) Section 11-4 – Selling, delivering, releasing gasoline to intoxicated persons
- 41) Section 11-5 – Leaving abandoned iceboxes, etc., accessible to children
- 42) Section 11-6 – Writing, painting, drawing, carving, cutting obscenities in public places
- 43) Section 11-7 – Posting of outdoor advertising (*adopted pursuant to GS 14-145*)
- 44) Section 11-8 – Defacing, damaging public property
- 45) Section 11-9 – Removal of books and papers from town hall
- 46) Section 11-10 – Use of town property
- 47) Section 11-11 – Littering streets and other town property
- 48) Section 11-13 – Playing games, throwing, missiles on streets, sidewalks, using, erecting, and maintaining recreational devices in streets and rights-of-way
- 49) Section 11-14 – Throwing missiles to injury or annoyance of others
- 50) Section 11-17 – Consumption of alcoholic beverages
- 51) Section 11-20 – False alarms
- 52) Section 11-50 – Graffiti
- 53) Section 15-86 – Permit required (Parades, Picket Lines and Demonstrations)
- 54) Section 17-2 – Furnishing water for household purposes from private source
- 55) Section 17-4 – Connections to sanitary sewer system

- 56) Section 17-6 – Connections to municipal systems (prohibited from discontinuing water or sewer service while containing or changing use of property)
- 57) Section 17-81 – Devices required (to protect public water supply)
- 58) Section 18-1 – Discharge of firearms (on private property)
- 59) Section 18-13 – Sale prohibited (fireworks)
- 60) Section 18-14 – Discharge within town prohibited (fireworks)
- 61) Section 19-44 – Willful noncompliance with orders unlawful (Unsafe Buildings)
- 62) Section 19-100 – Residential rental registration
- 63) Section 19-206 – Issuance of permit conditions (Rights-of-Way) (*may not criminally enforce curb cut regulations per SL 2021-138*)

D. Provisions already decriminalized

- 1) Section 10-80 – Parking too far from curb or street edge [*per Section 10-79(e)*]
- 2) Section 10-83(1) – Parking on a sidewalk [*per Section 10-79(e)*]
- 3) Section 10-83(3) – Parking too close to intersection [*per Section 10-79(e)*]
- 4) Section 10-83(9) – Parking on roadway side of standing vehicle (double-parked) [*per Section 10-79(e)*]
- 5) Section 10-84 – No parking zones [*per Section 10-79(e)*]
- 6) Section 10-97 – Parking in a loading zone [*per Section 10-79(e)*]
- 7) Section 10-101 – Obstructing traffic [*per Section 10-79(e)*]
- 8) Section 10-102 – Parking in emergency parking zone [*per Section 10-79(e)*]
- 9) Section 10-117 – Nuisance vehicle [*per Section 10-131(a)*]
- 10) Section 10-118 – Junked motor vehicle [*per Section 10-131(a)*]

E. Provisions currently covered by State law

- 1) Chapter 3, Article II – Rabies Control – misdemeanor per GS 130A-25(a)
- 2) Section 3-17 – Attacks by Dangerous Dogs – Class 1 misdemeanor per GS 67-4.3
- 3) Section 11-7 – Posting of outdoor advertising – Class 3 misdemeanor per GS 14-145
- 4) Section 18-14 – Fireworks – Class 2 misdemeanor unless indoors then Class 1 misdemeanor per GS 14-415
- 5) Removing notice from condemned building – Class 1 misdemeanor per GS 160D-1120

Upon receiving feedback and direction from Town Council, an ordinance will be drafted to effectuate Council's intent on criminal enforcement of Town ordinance violations. In accordance with SL 2021-138, any ordinance amendment specifying a criminal penalty may not be adopted or enacted at the meeting at which it is first introduced. Therefore, the draft ordinance will be presented at a future meeting for consideration and then presented again at a subsequent meeting for adoption.

MANAGER

REPORTS



Town Manager's Office Memorandum

TO: Mayor and Town Council

FROM: Rodney Dickerson, Town Manager

DATE: November 23, 2021

SUBJECT: December and January Pending Agenda Items

The following items are currently planned for the December Council Meetings. As there is no work session in December, the known January items are also being provided. These items are subject to change.

Monday, December 6 – Regular Meeting

Organizational Meeting

Presentations

None at this time

Consent

None at this time

Public Hearings

None at this time

Old/New Business

1. CZ-PD-21-01 – Mahler's Creek PRD Booklet
2. Declaration of the Bond Referendum Results by Town Council

Reports

None at this time

Tuesday, December 21 – Regular Meeting

Presentations

None at this time

Consent

None at this time

Public Hearings

None at this time

Old/New Business

None at this time

Reports

None at this time

Monday, January 3 – Regular Meeting

Presentations

None at this time

Consent

None at this time

Public Hearings

None at this time

Old/New Business

1. CZ-SP-21-01 – 601 Tryon Multifamily
2. CZ-SB-21-02 – Spring Drive Townes

Reports

None at this time

Tuesday, January 18 – Regular Meeting

Presentations

None at this time

Consent

None at this time

Public Hearings

1. SUP-21-04 – Greenfield 27 (Public Hearing and Action)
2. CZ-SP-21-02 – Greenbrier Park
3. CZ-SB-21-05 – Caddy South

Old/New Business

None at this time

Reports

None at this time

Tuesday, January 25 – Work Session

Presentations

1. Medical Insurance Renewal Kick Off – HR and IBA

Discussion

None at this time

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 30, 2021 		
Subject: 2022 Council Meeting Schedule		
Location on Agenda: Discussion/Reports		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Rodney Dickerson, Town Manager		
Brief Summary: This Resolution sets forth the Town Council meeting schedule for 2022		
Recommended Motion and/or Requested Action: Adopt Resolution (2021) 2472		
Detailed Notes: The Work Session usually held the last Tuesday in September will be moved to Thursday, September 22, 2022 due to the ICMA Conference that week. Due to February 2022 being a short month and the way the weeks fall, we propose to conduct the Work Session on Monday, February 28.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2472

A RESOLUTION OF THE TOWN OF GARNER TOWN COUNCIL ADOPTING THE 2022 COUNCIL MEETING SCHEDULE

WHEREAS, the Town of Garner Town Council sets its regular meeting and work session schedule as follows:

MONTH	DATE	DAY	TYPE	TIME
JANUARY	3	Monday	Regular	7:00 PM
	18	Tuesday	Regular	7:00 PM
	25	Tuesday	Work Session	6:00 PM
FEBRUARY	7	Monday	Regular	7:00 PM
	22	Tuesday	Regular	7:00 PM
	28	Monday	Work Session	6:00 PM
MARCH	7	Monday	Regular	7:00 PM
	22	Tuesday	Regular	7:00 PM
	29	Tuesday	Work Session	6:00 PM
APRIL	4	Monday	Regular	7:00 PM
	19	Tuesday	Regular	7:00 PM
	26	Tuesday	Work Session	6:00 PM
MAY	2	Monday	Regular	7:00 PM
	17	Tuesday	Regular	7:00 PM
	31	Tuesday	Work Session	6:00 PM
JUNE	6	Monday	Regular	7:00 PM
	21	Tuesday	Regular	7:00 PM
	28	Tuesday	Work Session	6:00 PM
JULY	5	Tuesday	Regular	7:00 PM
	19	Tuesday	Regular	7:00 PM
	26	Tuesday	Work Session	6:00 PM
AUGUST	1	Monday	Regular	7:00 PM
	16	Tuesday	Regular	7:00 PM
	30	Tuesday	Work Session	6:00 PM
SEPTEMBER	6	Tuesday	Regular	7:00 PM
	22	Thursday	Regular	7:00 PM
	27	Tuesday	Work Session	6:00 PM

OCTOBER	3	Monday	Regular	7:00 PM
	18	Tuesday	Regular	7:00 PM
	25	Tuesday	Work Session	6:00 PM
NOVEMBER	7	Monday	Regular	7:00 PM
	22	Tuesday	Regular	7:00 PM
	29	Tuesday	Work Session	6:00 PM
DECEMBER*	5	Monday	Regular	7:00 PM
	20	Tuesday	Regular	7:00 PM
*There is no work session planned for December 2021				

BE IT FURTHER RESOLVED that the Town of Garner Town Council adopts the above referenced Meeting Schedule for 2021.

Duly adopted this the 30th day of November 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk